



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

RECEIVED

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Office of Regional Hearing Clerk

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September 22, 2008

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (RAA)
Boston, Massachusetts 02114-2023

Re: Administrative Complaint and Notice of Opportunity for Hearing
In the Matter of Citgo Petroleum Corporation
Docket No. EPCRA- 01-2008-0106

Dear Ms. Santiago,

Enclosed for filing in the above-referenced matter, please find the original and one copy of an Administrative Complaint and Notice of Opportunity for a Hearing and the Certificate of Service.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Amanda J. Helwig".

Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1

cc: Allen J. Morris, Terminal Manager, Citgo Petroleum Corporation

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

In the Matter of:)

Citgo Petroleum Corporation)
385 Quincy Avenue)
Braintree, MA 02184)

Respondent.)

Docket No. EPCRA-01-2008-0106

COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING

STATEMENT OF AUTHORITY

1. This is a civil administrative action issued under the authority of Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. § 11045(c) (also known as the Emergency Planning and Community Right-to-Know Act of 1986, hereinafter “EPCRA”), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22 (“Part 22 Rules”).

2. The Complaint is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA” or “Complainant”). This Complaint alleges that Citgo Petroleum Corporation (“Respondent”) failed to submit timely, complete, and accurate Toxic Chemical Release Inventory Reporting Forms, as required by Section 313 of EPCRA, 42 U.S.C. § 11023, and the federal regulations that set out in greater detail the Section 313 reporting requirement, 40 C.F.R. Part 372.

STATUTORY AND REGULATORY BASIS

3. Pursuant to Sections 313 and 328 of EPCRA, 42 U.S.C. §§ 11023 and 11048, EPA promulgated the Toxic Chemical Release Reporting: Community Right-to-Know Rule, set forth at 40 C.F.R. Part 372.

4. Section 313(a) of EPCRA, 42 U.S.C. §11023(a), and 40 C.F.R. § 372.22, require owners or operators of a facility subject to the requirements of Section 313(b) to submit annually, no later than July 1 of each year, a complete and accurate Toxic Chemical Release Inventory Reporting Form, EPA Form 9350-1 (hereinafter, "Form R"), for each toxic chemical listed under 40 C.F.R. § 372.65 that was manufactured, processed, or otherwise used during the preceding calendar year in quantities exceeding the toxic chemical thresholds established under Section 313(f) of EPCRA, 42 U.S.C. §11023(f). Each Form R is required to be submitted to the Administrator of EPA and to the state in which the subject facility is located.

5. Section 313(a) of EPCRA, 42 U.S.C. §11023(a), and 40 C.F.R. §§ 372.30 and 372.85 require each Form R to contain data reflecting "releases," as defined by Section 329(8) of EPCRA, 42 U.S.C. § 11049(8), and 40 C.F.R. § 372.3, during the preceding calendar year.

6. Section 313(b) of EPCRA, 42 U.S.C. §11023(b), and 40 C.F.R. § 372.22 provide that owners or operators of facilities that have 10 or more full-time employees; that are in Standard Industrial Classification Codes 20 through 39, major group codes 10 (except 1011, 1081, and 1094), 12 (except 1241), and industry codes 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil to generate power), 4953, 5169, 5171 or 7389; and that manufactured, processed, or otherwise used a toxic chemical listed under 40 C.F.R. §372.65 in a quantity exceeding the established threshold during a calendar year are required to submit a Form R for each of these substances for that year.

GENERAL ALLEGATIONS

7. Respondent is a corporation incorporated under the laws of Delaware, with its principal place of business at 1293 Eldridge Parkway, Houston, Texas 77077.
8. Respondent owns and operates the Citgo Braintree Oil Terminal (“the Facility”), located at 385 Quincy Avenue, Braintree, Massachusetts 02184.
9. Respondent is a “person,” as that term is defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).
10. Respondent is an owner or operator of a “facility,” as that term is defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3.
11. The Facility has 10 or more “full-time employees,” as that term is defined by 40 C.F.R. §372.3.
12. The facility is classified in Standard Industrial Classification industry code 5171.
13. During the calendar years 2004, 2005, and 2006, Respondent manufactured, processed or otherwise used toxic chemicals listed under 40 C.F.R. § 372.65 in quantities exceeding the established thresholds.
14. The requirements of Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. Part 372 therefore apply to Respondent's facility.
15. On November 13, 2006, an authorized EPA employee inspected the Facility. The purpose of the inspection was to determine Respondent's compliance with the EPCRA Section 313 reporting requirements.

VIOLATIONS

Count I

16. The foregoing paragraphs 1 through 15 are incorporated by reference as if fully set forth herein.

17. During the calendar year 2004, Respondent manufactured, processed or otherwise used Polycyclic Aromatic Compounds ("PACs"), a chemical category listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to submit to the Administrator of EPA a Form R for this chemical on or before July 1, 2005.

18. Respondent failed to submit this form to the Administrator of EPA on or before July 1, 2005.

19. Respondent's failure to submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count II

20. The foregoing paragraphs 1 through 19 are incorporated by reference as if fully set forth herein.

21. During the calendar year 2005, Respondent manufactured, processed or otherwise used PACs, a chemical category listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to submit to the Administrator of EPA a Form R for this chemical on or before July 1, 2006.

22. Respondent failed to submit this form to the Administrator of EPA on or before July 1, 2006.

23. Respondent's failure to submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count III

24. The foregoing paragraphs 1 through 23 are incorporated by reference as if fully set forth herein.

25. During the calendar year 2006, Respondent manufactured, processed or otherwise used PACs, a chemical category listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to submit to the Administrator of EPA a Form R for this chemical on or before July 1, 2007.

26. Respondent failed to submit this form to the Administrator of EPA on or before July 1, 2007.

27. Respondent's failure to submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count IV

28. The foregoing paragraphs 1 through 27 are incorporated by reference as if fully set forth herein.

29. During the calendar year 2004, Respondent manufactured, processed or otherwise used Benzo (g, h, i) Perylene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to submit to the Administrator of EPA a Form R for this chemical on or before July 1, 2005.

30. Respondent failed to submit this form to the Administrator of EPA on or before July 1, 2005.

31. Respondent's failure to submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count V

32. The foregoing paragraphs 1 through 31 are incorporated by reference as if fully set forth herein.

33. During the calendar year 2005, Respondent manufactured, processed or otherwise used Benzo (g, h, i) Perylene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to submit to the Administrator of EPA a Form R for this chemical on or before July 1, 2006.

34. Respondent failed to submit this form to the Administrator of EPA on or before July 1, 2006.

35. Respondent's failure to submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count VI

36. The foregoing paragraphs 1 through 35 are incorporated by reference as if fully set forth herein.

37. During the calendar year 2006, Respondent manufactured, processed or otherwise used Benzo (g, h, i) Perylene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to submit to the Administrator of EPA a Form R for this chemical on or before July 1, 2007.

38. Respondent failed to submit this form to the Administrator of EPA on or before July 1, 2007.

39. Respondent's failure to submit this form was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count VII

40. The foregoing paragraphs 1 through 39 are incorporated by reference as if fully set forth herein.

41. During the calendar year 2004, Respondent manufactured, processed or otherwise used 1,2,4 Trimethyl Benzene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to report releases of 1,2,4 Trimethyl Benzene that occurred during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

42. Respondent failed to report releases of 1,2,4 Trimethyl Benzene that occurred at the Facility during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

43. Respondent's failure to report these releases was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count VIII

44. The foregoing paragraphs 1 through 43 are incorporated by reference as if fully set forth herein.

45. During the calendar year 2004, Respondent manufactured, processed or otherwise used Benzene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to report releases of Benzene that occurred during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

46. Respondent failed to report releases of Benzene that occurred at the Facility during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

47. Respondent's failure to report these releases was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count IX

48. The foregoing paragraphs 1 through 47 are incorporated by reference as if fully set forth herein.

49. During the calendar year 2004, Respondent manufactured, processed or otherwise used Cumene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to report releases of Cumene that occurred at the Facility during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

50. Respondent failed to report releases of Cumene that occurred during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

51. Respondent's failure to report these releases was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count X

52. The foregoing paragraphs 1 through 51 are incorporated by reference as if fully set forth herein.

53. During the calendar year 2004, Respondent manufactured, processed or otherwise used Ethyl Benzene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the

established threshold. Respondent was therefore required to report releases of Ethyl Benzene that occurred during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

54. Respondent failed to report releases of Ethyl Benzene that occurred at the Facility during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

55. Respondent's failure to report these releases was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count XI

56. The foregoing paragraphs 1 through 55 are incorporated by reference as if fully set forth herein.

57. During the calendar year 2004, Respondent manufactured, processed or otherwise used Naphthalene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to report releases of Naphthalene that occurred during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

58. Respondent failed to report releases of Naphthalene that occurred at the Facility during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

59. Respondent's failure to report these releases was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count XII

60. The foregoing paragraphs 1 through 59 are incorporated by reference as if fully set forth herein.

61. During the calendar year 2004, Respondent manufactured, processed or otherwise used Xylene (mixed isomers), a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to report releases of Xylene (mixed isomers) that occurred during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

62. Respondent failed to report releases of Xylene (mixed isomers) that occurred at the Facility during the calendar year 2004, as a result of remedial, catastrophic, or one time events not associated with production processes, on its Form R for this chemical.

63. Respondent's failure to report these releases was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count XIII

64. The foregoing paragraphs 1 through 63 are incorporated by reference as if fully set forth herein.

65. During the calendar year 2004, Respondent manufactured, processed or otherwise used Styrene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to report releases of Styrene that occurred during the calendar year 2004, as a result of fugitive or non-point air emissions and stack or point air emissions, on its Form R for this chemical.

66. Respondent failed to report releases of Styrene that occurred at the Facility during the calendar year 2004, as a result of fugitive or non-point air emissions and stack or point air emissions, on its Form R for this chemical.

67. Respondent's failure to report these releases was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count XIV

68. The foregoing paragraphs 1 through 67 are incorporated by reference as if fully set forth herein.

69. During the calendar year 2005, Respondent manufactured, processed or otherwise used Styrene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to report releases of Styrene that occurred during the calendar year 2005, as a result of fugitive or non-point air emissions and stack or point air emissions, on its Form R for this chemical.

70. Respondent failed to report releases of Styrene that occurred at the Facility during the calendar year 2005, as a result of fugitive or non-point air emissions and stack or point air emissions, on its Form R for this chemical.

71. Respondent's failure to report these releases was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count XV

72. The foregoing paragraphs 1 through 71 are incorporated by reference as if fully set forth herein.

73. During the calendar year 2006, Respondent manufactured, processed or otherwise used Styrene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established

threshold. Respondent was therefore required to report releases of Styrene that occurred during the calendar year 2006, as a result of fugitive or non-point air emissions and stack or point air emissions, on its Form R for this chemical.

74. Respondent failed to report releases of Styrene that occurred at the Facility during the calendar year 2006, as a result of fugitive or non-point air emissions and stack or point air emissions, on its Form R for this chemical.

75. Respondent's failure to report these releases was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count XVI

76. The foregoing paragraphs 1 through 75 are incorporated by reference as if fully set forth herein.

77. During the calendar year 2006, Respondent manufactured, processed or otherwise used 1,2,4 Trimethyl Benzene, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to report releases of 1,2,4 Trimethyl Benzene that occurred during the calendar year 2006, as a result of fugitive or non-point air emissions and stack or point air emissions, on its Form R for this chemical.

78. Respondent failed to report releases of 1,2,4 Trimethyl Benzene that occurred at the Facility during the calendar year 2006, as a result of fugitive or non-point air emissions and stack or point air emissions, on its Form R for this chemical.

79. Respondent's failure to report these releases was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Count XVII

80. The foregoing paragraphs 1 through 79 are incorporated by reference as if fully set forth herein.

81. During the calendar year 2006, Respondent manufactured, processed or otherwise used Cyclohexane, a chemical listed under 40 C.F.R. § 372.65, in a quantity exceeding the established threshold. Respondent was therefore required to report releases of Cyclohexane that occurred during the calendar year 2006, as a result of fugitive or non-point air emissions and stack or point air emissions, on its Form R for this chemical.

82. Respondent failed to report releases of Cyclohexane that occurred at the Facility during the calendar year 2006, as a result of fugitive or non-point air emissions and stack or point air emissions, on its Form R for this chemical.

83. Respondent's failure to report these releases was in violation of Section 313 of EPCRA and 40 C.F.R. Part 372.

Proposed Civil Penalty

84. Section 325(c) of EPCRA, 42 U.S.C. §11045(c), and 40 C.F.R. §§ 370.5(b) and 372.18, as amended by the Debt Collection and Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321 (1996) and EPA's Civil Monetary Penalty Inflation Adjustment Rule, promulgated thereunder at 40 C.F.R. Part 19, provide that any person who violates any requirement of Section 313 after March 15, 2004 shall be liable to the United States for a civil penalty in an amount not to exceed \$32,500 per day for each such violation.

85. The proposed civil penalty has been determined in accordance with Section 325(c) of EPCRA, 42 U.S.C. §11045(c). For purposes of determining the amount of any penalty to be assessed, EPA considered the nature, circumstances, extent and gravity of the violations,

and with respect to the Respondent, its ability to pay, prior history of violations, degree of culpability, economic benefit or savings resulting from the violation, and such other matters as justice may require. To develop the proposed penalty in this complaint, the Complainant has taken into account the particular facts and circumstances of this case with specific reference to 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 1996, 1997, and 2001]" ("ERP"). This policy provides a rational, consistent and equitable calculation methodology for applying the statutory penalty factors enumerated above to particular cases.

86. The ERP states that a gravity-based penalty should be determined by considering the "circumstance level" and the "extent level" of a violation. The circumstance level of a violation takes into account the seriousness of the violation as it relates to the accuracy and availability of the information to the community, states, and federal government. The extent level of a violation is based upon the quantity of each EPCRA Section 313 chemical manufactured, processed, or otherwise used by the violator, and the size of the violator, which is based upon the number of employees and the gross sales of the violator. The ERP also allows other adjustments to the penalty if a violation is voluntarily disclosed, the facility has a prior violation, or the subject chemical has been delisted.

87. On the basis of the above variables, EPA has determined the amount of the civil penalty to be assessed against Respondent. As described below, this penalty was computed by using a multiple stage process in accordance with the ERP.

88. The first stage requires the determination of the circumstance level of the violation. Respondent failed to submit, more than one year after the July 1 due date, Form Rs for

calendar years 2004, 2005, and 2006 for chemicals and chemical categories listed under 40 CFR § 372.65 that it manufactured, processed or otherwise used in quantities exceeding the established threshold. Thus, the applicable circumstance level for Counts I, II, IV, and V of this Complaint is “Level 1.”

89. Respondent failed to submit, less than one year after the July 1 due date, Form Rs for calendar year 2006 for chemicals and chemical categories listed under 40 CFR § 372.65 that it manufactured, processed or otherwise used in quantities exceeding the established threshold. Thus, the applicable circumstance level for Counts III and VI of this Complaint is “Level 4.”

90. Respondent submitted Form Rs for calendar years 2004, 2005, and 2006 for chemicals listed under 40 CFR § 372.65 that it manufactured, processed or otherwise used in quantities exceeding the established threshold that failed to contain data reflecting releases of those chemicals during the preceding calendar years. Thus, the applicable circumstance level for Counts VII through XVII of this Complaint is “Level 3.”

91. The second stage in calculating the proposed penalty requires the determination of the extent level. Respondent manufactured, processed or otherwise used more than ten times the threshold of Section 313 chemicals. In addition, Respondent has more than ten million dollars in total corporate sales and more than fifty employees. Based upon the amount of the Section 313 chemical and chemical categories used and the size and sales of the corporate entity, the applicable extent level for Counts I through XVII of this Complaint is “Level A.”

92. In addition to the determination of the applicable circumstance and extent levels for each count in this Complaint, Complainant considered other factors which may be used to adjust the penalty amount. In particular, after considering Respondent’s failure to voluntarily disclose the violations, its lack of a history of prior violations, and the subject chemicals not

having been delisted, Complainant proposes no further adjustments to the gravity-based penalty amount. Note, however, that the proposed penalty is based upon the best information available to EPA at this time, and may be adjusted if Respondent establishes bona fide issues of ability to pay or other defenses relevant to the appropriate amount of the proposed penalty.

93. Based upon the foregoing factors, Complainant proposes that Respondent be assessed a civil penalty in the amount of three hundred eighty-six thousand, one hundred seventy-nine dollars (\$386,179) for the violations alleged in this Complaint. For each violation, the proposed penalty is as follows:

Count I:	\$32,500
Count II:	\$32,500
Count III:	\$21,704
Count IV:	\$32,500
Count V:	\$32,500
Count VI:	\$21,704
Count VII:	\$19,343
Count VIII:	\$19,343
Count IX:	\$19,343
Count X:	\$19,343
Count XI:	\$19,343
Count XII:	\$19,343
Count XIII:	\$19,343
Count XIV:	\$19,343
Count XV:	\$19,343
Count XVI:	\$19,343
Count XVII:	\$19,343

94. Under Section 22.18(a) of the Consolidated Rules of Practice, the Respondent has the option of resolving this matter at any time by paying the penalty proposed in this Complaint in full. Payment of the penalty must be made by submitting a bank, cashier's or certified check payable to the Treasurer, United States of America, to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The penalty payment check must reference the title of this proceeding, "In the Matter of Citgo Petroleum Corporation," and its Docket Number, EPCRA-01-2008-0106.

95. At the time of payment, Respondent shall send notice of such payments and copies of the checks to:

Ms. Wanda Santiago
Regional Hearing Clerk (RAA)
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100
Boston, Massachusetts 02114-2023

96. If the Respondent pays the proposed penalty in full within thirty (30) days after receiving this Complaint, then the Respondent need not file an Answer to the Complaint. If the Respondent wishes to resolve this matter without having to file an Answer but needs additional time in which to do so, the Respondent may file a written statement with the Regional Hearing Clerk at the address above within thirty (30) days of receiving the Complaint. The written statement must specify that the Respondent agrees to pay the penalty within sixty (60) days of receipt of the Complaint. Failure to make such payment within the sixty (60) days may subject the Respondent to a default action. Upon receipt of payment in full, the Regional Judicial Officer shall issue a final order. Payment by Respondent shall constitute a waiver of Respondent's rights to contest the allegations and to appeal the final order.

97. Payment of the civil penalty alone does not satisfy Respondent's legal obligation to file complete and accurate toxic chemical release forms (Form R). If Respondent chooses to remit the proposed penalty, it is still under a legal duty to submit complete and accurate Form

Rs. Failure or refusal to file such forms may subject Respondent to additional civil penalties of up to \$32,500 per day of violation.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

In accordance with 40 C.F.R. § 22.14, Respondent has the right to request a formal hearing to contest any material fact set forth in this Complaint or to contest the appropriateness of the proposed penalty. Any such hearing would be conducted in accordance with the Part 22 Rules, a copy of which is enclosed herewith.

To avoid being found in default, which constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing, and having the above-cited penalty assessed without further proceedings, Respondent must file a written Answer within thirty (30) days of Respondent's receipt of this Complaint. The Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with regard to which Respondent has any knowledge. If Respondent has no knowledge of a particular fact and so states, the allegation is considered denied. Failure to deny an allegation constitutes an admission. Respondent's Answer must also state all facts and circumstances, if any, which constitute grounds for a defense and, if desired, must specifically request an administrative hearing. If Respondent denies any material fact or raises any affirmative defense, Respondent will be considered to have requested a hearing. The Answer must be sent to:

Ms. Wanda Santiago
Regional Hearing Clerk (RAA)
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100
Boston, Massachusetts 02114-2023

Respondent should also send a copy of the Answer and all other documents, including copies of any checks, which Respondent files in this action to Amanda J. Helwig, who has been authorized to accept service on behalf of the Complainant, at:

Amanda J. Helwig
Enforcement Counsel (SEL)
U.S. Environmental Protection Agency, Region 1
One Congress Street
Boston, Massachusetts 02114-2023

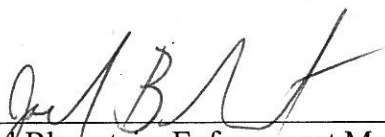
If Respondent fails to file a timely answer to the Complaint, Respondent may be found to be in default, pursuant to 40 C.F.R. § 22.17. For purposes of this action only, default by Respondent constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations.

SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may contact Amanda J. Helwig, the attorney assigned to represent EPA in this matter, at (617) 918-1180 to discuss the legal matters relating to this Complaint or to arrange for an informal settlement conference. Respondent may wish to be represented by counsel at the informal conference. In the event a settlement is reached, its terms shall be expressed in a written Consent Agreement prepared by Complainant, signed by the parties, and incorporated into a Final Order signed by the Regional Judicial Officer.

Please note that a request for an informal settlement conference does not enlarge the thirty-day period within which a written Answer must be submitted to avoid default.

9/19/08
Date



Joel Blumstein, Enforcement Manager
Office of Environmental Stewardship

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Administrative Complaint and Notice of Opportunity for Hearing has been sent to the following persons on the date noted below:

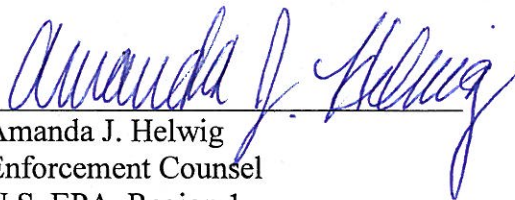
Original and one copy,
by hand:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

One copy of Complaint and
40 C.F.R. Part 22, by certified mail,
return receipt requested:

Allen J. Morris, Terminal Manager
Citgo Petroleum Corporation
385 Quincy Avenue
Braintree, MA 02184

Date: 9/22/08


Amanda J. Helwig
Enforcement Counsel
U.S. EPA, Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023
Phone: (617) 918-1180
Fax: (617) 918-0180