EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-0942-MLM-E **TCEQ ID:** RN100214626 **CASE NO.:** 30168

RESPONDENT NAME: Sunoco Partners Marketing & Terminals L.P.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	X MULTI-MEDIA (check all that apply)	X INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Nederland Terminal, 2300 North Highway 347, Nederland, Jefferson County

TYPE OF OPERATION: Wastewater treatment

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on May 28, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Laurie Eaves, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4495; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigators: Ms. Jo English and Mr. Robert Collazo, Investigators, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondent: Mr. David A. Justin, Vice President, Operations, Sunoco Partners Marketing & Terminals L.P., P.O. Box 758, Nederland, Texas 77627

Mr. W. Crisp, Terminal Superintendent, Sunoco Partners Marketing & Terminals L.P., P.O. Box 758, Nederland, Texas 77627

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** April 13, 2006 **Date of NOE Relating to this Case:** May 31, 2006 (NOE) **Background Facts:** This was a routine investigation. Ten violations were documented. **WASTE** 1) Failed to prevent the unauthorized discharge of hydrocarbon onto the ground. Specifically, the first discharge was located at the bunker area and impacted an area of 30 feet by 50 feet; the second discharge was located at the sump adjacent to Ship Dock 1 and impacted an area 4 feet by 15 feet; the third discharge was located at the manifold under Department of Energy jurisdiction and impacted an area of 4 feet by 15 feet; and the fourth discharge was located on the north side of the maintenance building and impacted an area of 4 feet by 15 feet [30 TEX. ADMIN. CODE § 335.4]. 2) Failed to update the Notice of Registration ("NOR"). Specifically, two wastewater ponds and two wastewater tanks were not on the NOR [30 TEX. ADMIN. CODE § 335.6(c)]. 3) Failed to put the state transporter's identification and phone numbers on Manifest No. 3372217 [30 TEX. ADMIN. CODE § 335.10(b)]. 4) Failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal. Specifically, hazardous waste determination and classification documents for friable asbestos (waste code 00093111) and lab chemicals (waste code 456100H) were not being maintained [30 TEX. ADMIN. CODE § 335.9(a)(1)].	**Total Assessed:** $28,078 **Total Deferred:** $5,616 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $22,462 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that Sunoco implemented the following corrective measures at the Facility: a. On May 23, 2006, discontinued the use of naphtha; decommissioned the parts washer bin; provided secondary containment for the wash bay and cleaned the No. 1 Lube Sump; repaired and recoated the grit tank and the oil and water separator; and began monitoring stormwater outfalls daily and will sample when discharges occur; b. On July 21, 2006, amended Manifest No. 3372217 to include the transporter's identification and phone numbers; c. On July 31, 2006, cleaned the affected areas from the four unauthorized discharges, removed the debris, and applied fresh dirt; and recoated and repaired the grit tank; d. On August 7, 2006, amended the NOR to include equalization tank nos. 1513 and 1514; and e. On September 1, 2006, developed and implemented a new waste determination and record keeping procedure. **Ordering Provisions:** 2) The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, conduct a hazardous waste determination on the spent naphtha; b. Within 60 days after the effective date of this Agreed Order, repair the ballast pond liners; or submit and implement a closure plan which includes an implementation date of not longer than 90 days from the date the plans are submitted for the ponds; and c. Within 75 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

5) Failed to obtain authorization to process a hazardous waste (naphtha). Specifically, spent naphtha from a parts washer bin was discharged into a nearby sump and pumped into tank nos. 1513 and 1514 and then the tank bottoms (wastewater) were discharged to aeration tank no. 1506 [30 TEX. ADMIN. CODE § 335.2(a)]. 6) Failed to conduct a hazardous waste determination and waste classification for spent naphtha generated in the parts washer bin [30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS § 262.11]. **WATER** 7) Failed to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions. Specifically, the oil and water separator and grit tank were observed to be severely corroded. The grit tank was leaking as a result of the corrosion. Additionally, the synthetic liners in the two ballast ponds were in disrepair [30 TEX. ADMIN. CODE § 305.125(5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001151000, Operational Requirements No. 1]. 8) Failed to prevent the discharge of industrial wastes to a stormwater outfall. Specifically, spillage of industrial wastes were observed adjacent to the stormwater ditch at the No. 1 Lube Sump and wastewater at the washer bay was observed flowing over the secondary containment and running downhill [TEX. WATER CODE § 26.121(c)]. 9) Failed to collect effluent samples from stormwater outfalls 002, 003, and 004 at the frequency required by the permit [30 TEX. ADMIN. CODE § 319.5(b) and TPDES Permit No. WQ0001151000, Effluent Limitations and Monitoring Requirements No. 1, Outfalls 002, 003, and 004]. 10) Failed to prevent the introduction of a waste not authorized by permit into the wastewater treatment facility. Specifically, spent naphtha was vacuumed from the parts washer bin and placed into a sump which lifted the waste to the equalization tanks (Tank Nos. 1513 and 1514) [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0001151000, Permit Conditions No. 4.d.].		

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	05-Jun-2006				
PCW	22-Jun-2006	Screening	07-Jul-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Sunoco Partners Marketing & Terminals L.P.		
Reg. Ent. Ref. No.	RN100214626		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	30168	No. of Violations	10
Docket No.	2006-0942-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Laurie Eaves
Multi-Media	Water Quality	EC's Team	Enforcement Team 1
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $20,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 39% Enhancement *Subtotals 2, 3, & 7* $7,878

Notes: The Respondent self-reported six months of effluent quality violations, was issued four NOVs for nonsimilar violations and one Agreed Order that contained denial language, and submitted one Notice of Intent to conduct an audit.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	*(mark with a small x)*

Notes: The Respondent is not yet in compliance.

Economic Benefit 0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$466
Approx. Cost of Compliance	$9,750

SUM OF SUBTOTALS 1-7 Final Subtotal $28,078

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $28,078

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $28,078

DEFERRAL 20% Reduction Adjustment -$5,616

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $22,462

Screening Date 07-Jul-2006 **Docket No.** 2006-0942-MLM-E **PCW**
Respondent Sunoco Partners Marketing & Terminals L.P. *Policy Revision 2 (September 2002)*
Case ID No. 30168 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN100214626
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Laurie Eaves

Compliance History Worksheet

>> **Compliance History *Site* Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action *(number of NOVs meeting criteria)*	0	0%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government *(number of judgements or consent decrees meeting criteria)*	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **39%**

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) **0%**

>> **Compliance History *Person* Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) **0%**

>> **Compliance History Summary**

Compliance History Notes The Respondent self-reported six months of effluent quality violations, was issued four NOVs for nonsimilar violations and one Agreed Order that contained denial language, and submitted one Notice of Intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **39%**

Screening Date 07-Jul-2006 **Docket No.** 2006-0942-MLM-E **PCW**

Respondent Sunoco Partners Marketing & Terminals L.P. *Policy Revision 2 (September 2002)*

Case ID No. 30168 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100214626

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Laurie Eaves

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 335.4

Secondary Rule Cite(s)

Violation Description Failure to prevent the unauthorized discharge of hydrocarbon onto the ground, as documented by an investigation conducted on April 13, 2006. Specifically, the first discharge was located at the bunker area and impacted an area of 30 feet by 50 feet; the second discharge was located at the sump adjacent to Ship Dock 1 and impacted an area 4 feet by 15 feet; the third discharge was located at the manifold under Department of Energy jurisdiction and impacted an area of 4 feet by 15 feet; and the fourth discharge was located on the north side of the maintenance building and impacted an area of 4 feet by 15 feet.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 4

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $4,000

Four single events are recommended for the four separate discharges.

Economic Benefit (EB) for this violation

Estimated EB Amount $30

Statutory Limit Test

Violation Final Penalty Total $5,560

This violation Final Assessed Penalty (adjusted for limits) $5,560

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 30168
Reg. Ent. Reference No. RN100214626
Media [Statute] Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal	$2,000	13-Apr-2006	31-Jul-2006	0.3	$30	n/a	$30
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost associated with remediating impacted areas. Date Required is the date the violation was documented. Final Date is the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $2,000

TOTAL $30

Screening Date 07-Jul-2006 **Docket No.** 2006-0942-MLM-E **PCW**

Respondent Sunoco Partners Marketing & Terminals L.P. *Policy Revision 2 (September 2002)*

Case ID No. 30168 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100214626

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Laurie Eaves

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 335.6(c)

Secondary Rule Cite(s)

Violation Description Failure to update the Notice of Registration ("NOR"), as documented during an investigation conducted on April 13, 2006. Specifically, two wastewater ponds and two wastewater tanks were not on the NOR.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes: 30% to 70% of the requirement was not met.

Adjustment -$9,500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $695

This violation Final Assessed Penalty (adjusted for limits) $695

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 30168
Reg. Ent. Reference No. RN100214626
Media [Statute] Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$50	13-Apr-2006	07-Aug-2006	0.3	$1	n/a	$1
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to update the NOR. Date Required is the date the violation was documented. Final Date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $50

TOTAL $1

Screening Date 07-Jul-2006 **Docket No.** 2006-0942-MLM-E **PCW**

Respondent Sunoco Partners Marketing & Terminals L.P. *Policy Revision 2 (September 2002)*

Case ID No. 30168 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100214626

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Laurie Eaves

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 335.10(b)

Secondary Rule Cite(s)

Violation Description Failure to put the state transporter's identification and phone numbers on Manifest No. 3372217, as documented during an investigation conducted on April 13, 2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Less than 30% of the requirement was not met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $139

This violation Final Assessed Penalty (adjusted for limits) $139

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 30168
Reg. Ent. Reference No. RN100214626
Media [Statute] Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$50	13-Apr-2006	21-Jul-2006	0.3	$1	n/a	$1
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost associated with amending the manifest. Date Required is the date the violation was documented. Final Date is the compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $50

TOTAL $1

Screening Date 07-Jul-2006 **Docket No.** 2006-0942-MLM-E **PCW**

Respondent Sunoco Partners Marketing & Terminals L.P. *Policy Revision 2 (September 2002)*

Case ID No. 30168 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100214626

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Laurie Eaves

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 335.9(a)(1)

Secondary Rule Cite(s)

Violation Description Failure to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal, as documented during an investigation conducted on April 13, 2006. Specifically, hazardous waste determination and classification documents for friable asbestos (waste code 00093111) and lab chemicals (waste code 456100H) were not being maintained.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Less than 30% of the requirement was not met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $19

Statutory Limit Test

Violation Final Penalty Total $139

This violation Final Assessed Penalty (adjusted for limits) $139

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 30168
Reg. Ent. Reference No. RN100214626
Media [Statute] Industrial and Hazardous Waste
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$1,000	13-Apr-2006	01-Sep-2006	0.4	$19	n/a	$19
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to develop and implement a new waste determination procedure with tracking sheet. Date Required is the date the violation was documented. Final Date is the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $1,000

TOTAL $19

Screening Date 07-Jul-2006 **Docket No.** 2006-0942-MLM-E **PCW**

Respondent Sunoco Partners Marketing & Terminals L.P. *Policy Revision 2 (September 2002)*

Case ID No. 30168 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100214626

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Laurie Eaves

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 335.2(a)

Secondary Rule Cite(s)

Violation Description Failure to obtain authorization to process a hazardous waste (naphtha), as documented during an investigation conducted on April 13, 2006. Specifically, spent naphtha from a parts washer bin was discharged into a nearby sump and pumped into equalization tank nos. 1513 and 1514 and then the tank bottoms (wastewater) were discharged to aeration tank no. 1506.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the requirement was not met.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Two monthly events are recommended for the violation from the date of the investigation on April 13, 2006 through the date of compliance on May 23, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $2,780

This violation Final Assessed Penalty (adjusted for limits) $2,780

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 30168
Reg. Ent. Reference No. RN100214626
Media [Statute] Industrial and Hazardous Waste
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$200	13-Apr-2006	23-May-2006	0.1	$0	$1	$2
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost associated with decommissioning the parts washer bin. Date Required is the date the violation was documented. Final Date is the date of compliance.

Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $200

TOTAL $2

Screening Date 07-Jul-2006 **Docket No.** 2006-0942-MLM-E **PCW**

Respondent Sunoco Partners Marketing & Terminals L.P. *Policy Revision 2 (September 2002)*

Case ID No. 30168 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100214626

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Laurie Eaves

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code § 335.62 and 40 Code of Federal Regulations § 262.11

Secondary Rule Cite(s)

Violation Description Failure to conduct a hazardous waste determination and waste classification for spent naphtha generated in the parts washer bin, as documented during an investigation conducted on April 13, 2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to pollutants which would exceed protective levels.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $7

Statutory Limit Test

Violation Final Penalty Total $3,475

This violation Final Assessed Penalty (adjusted for limits) $3,475

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 30168
Reg. Ent. Reference No. RN100214626
Media [Statute] Industrial and Hazardous Waste
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$250	13-Apr-2006	01-Sep-2006	0.4	$0	$6	$7
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost associated with proper waste determination and classification. Date Required is the date the violation was documented. Final Date is the date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $250

TOTAL: $7

Screening Date 07-Jul-2006 **Docket No.** 2006-0942-MLM-E **PCW**

Respondent Sunoco Partners Marketing & Terminals L.P. *Policy Revision 2 (September 2002)*

Case ID No. 30168 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100214626

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Laurie Eaves

Violation Number 7

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0001151000, Operational Requirements No. 1

Secondary Rule Cite(s)

Violation Description Failure to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions, as documented during an investigation conducted on April 13, 2006. Specifically, the oil and water separator and grit tank were observed to be severely corroded. The grit tank was leaking as a result of the corrosion. Additionally, the synthetic liners in the two ballast ponds were in disrepair.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed protective levels.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 4

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $4,000

Four quarterly events (one per unit) are recommended based upon the investigation date of April 13, 2006 through the screening date of July 7, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $398

Statutory Limit Test

Violation Final Penalty Total $5,560

This violation Final Assessed Penalty (adjusted for limits) $5,560

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 30168
Reg. Ent. Reference No. RN100214626
Media [Statute] Industrial and Hazardous Waste
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$5,000	12-Apr-2006	01-Jun-2007	1.1	$19	$379	$398
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost associated with recoating and repair of the grit tank; and repairing or closing the ponds. Date Required is the date the violation was documented. Final Date is the anticipated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $5,000

TOTAL $398

Screening Date 07-Jul-2006 **Docket No.** 2006-0942-MLM-E **PCW**

Respondent Sunoco Partners Marketing & Terminals L.P. *Policy Revision 2 (September 2002)*

Case ID No. 30168 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100214626

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Laurie Eaves

Violation Number 8

Primary Rule Cite(s) Tex. Water Code § 26.121(c)

Secondary Rule Cite(s)

Violation Description Failure to prevent discharge of industrial wastes to a stormwater outfall, as documented during an investigation conducted on April 13, 2006. Specifically, spillage of industrial wastes were observed adjacent to the stormwater ditch at the No. 1 Lube Sump and wastewater at the washer bay was observed flowing over the secondary containment and running downhill.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed protective levels.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 2

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Two quarterly events are recommended (one event for each point of discharge) from the date of the investigation on April 13, 2006 through the date of compliance on May 23, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $8

Statutory Limit Test

Violation Final Penalty Total $2,780

This violation Final Assessed Penalty (adjusted for limits) $2,780

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 30168
Reg. Ent. Reference No. RN100214626
Media [Statute] Industrial and Hazardous Waste
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$1,000	13-Apr-2006	23-May-2006	0.1	$0	$7	$8
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost associated with providing secondary containment for the wash bay and cleaning the No. 1 Lube Sump. Date Required is the date the violation was documented. Final Date is the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $1,000

TOTAL: $8

Screening Date 07-Jul-2006 **Docket No.** 2006-0942-MLM-E **PCW**

Respondent Sunoco Partners Marketing & Terminals L.P. *Policy Revision 2 (September 2002)*

Case ID No. 30168 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100214626

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Laurie Eaves

Violation Number 9

Primary Rule Cite(s) 30 Tex. Admin. Code § 319.5(b) and TPDES Permit No. WQ0001151000, Effluent Limitations and Monitoring Requirements No. 1, Outfalls 002, 003, and 004

Secondary Rule Cite(s)

Violation Description Failure to collect effluent samples from stormwater outfalls 002, 003, and 004 at the frequency required by the permit, as documented during an investigation conducted on April 13, 2006.

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 3

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,000

Three quarterly events (from the investigation date April 13, 2006 until the date of compliance on May 23, 2006) are recommended based upon the three outfalls.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $4,170

This violation Final Assessed Penalty (adjusted for limits) $4,170

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 30168
Reg. Ent. Reference No. RN100214626
Media [Statute] Industrial and Hazardous Waste
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$200	13-Apr-2006	23-May-2006	0.1	$1	n/a	$1
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost associated with monitoring the stormwater outfalls daily and sampling when discharges occur. Date Required is the date the violation was documented. Final Date is the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $200

TOTAL $1

Screening Date 07-Jul-2006 **Docket No.** 2006-0942-MLM-E **PCW**

Respondent Sunoco Partners Marketing & Terminals L.P. *Policy Revision 2 (September 2002)*

Case ID No. 30168 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100214626

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Laurie Eaves

Violation Number 10

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0001151000, Permit Conditions No. 4.d.

Secondary Rule Cite(s)

Violation Description Failure to prevent the introduction of a waste not authorized by permit into the wastewater treatment facility, as documented during an investigation conducted on April 13, 2006. Specifically, spent naphtha was vacuumed from the parts washer bin and placed into a sump which lifted the waste to the equalization tanks (Tank Nos. 1513 and 1514).

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes 100% of the requirement was not met.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Two monthly events are recommended for the violation from the date of the investigation on April 13, 2006 through the date of compliance on May 23, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $2,780

This violation Final Assessed Penalty (adjusted for limits) $2,780

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 30168
Reg. Ent. Reference No. RN100214626
Media [Statute] Industrial and Hazardous Waste
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	See Violation No. 5.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Compliance History

Customer/Respondent/Owner-Operator: CN601403199 Sunoco Partners Marketing & Terminals L.P. Classification: AVERAGE Rating: 3.26

Regulated Entity: RN100214626 SUNOCO PARTNERS NEDERLAND TERMINAL Classification: AVERAGE Site Rating: 4.55

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER JE0091L
AIR OPERATING PERMITS	PERMIT 1573
AIR NEW SOURCE PERMITS	PERMIT 52412
AIR NEW SOURCE PERMITS	PERMIT 53744
AIR NEW SOURCE PERMITS	PERMIT 53779
AIR NEW SOURCE PERMITS	PERMIT 53829
AIR NEW SOURCE PERMITS	PERMIT 56508
AIR NEW SOURCE PERMITS	REGISTRATION 56505
AIR NEW SOURCE PERMITS	REGISTRATION 70483
AIR NEW SOURCE PERMITS	PERMIT 50347
AIR NEW SOURCE PERMITS	PERMIT 52411
AIR NEW SOURCE PERMITS	REGISTRATION 74144
AIR NEW SOURCE PERMITS	REGISTRATION 78196
AIR NEW SOURCE PERMITS	PERMIT 1980
AIR NEW SOURCE PERMITS	PERMIT 4277
AIR NEW SOURCE PERMITS	PERMIT 4338
AIR NEW SOURCE PERMITS	PERMIT 4707
AIR NEW SOURCE PERMITS	PERMIT 5415
AIR NEW SOURCE PERMITS	PERMIT 5691
AIR NEW SOURCE PERMITS	PERMIT 5878
AIR NEW SOURCE PERMITS	PERMIT 7394
AIR NEW SOURCE PERMITS	PERMIT 10476
AIR NEW SOURCE PERMITS	PERMIT 10644
AIR NEW SOURCE PERMITS	PERMIT 11669
AIR NEW SOURCE PERMITS	PERMIT 12268
AIR NEW SOURCE PERMITS	PERMIT 15617
AIR NEW SOURCE PERMITS	PERMIT 22428
AIR NEW SOURCE PERMITS	PERMIT 22856
AIR NEW SOURCE PERMITS	PERMIT 29706
AIR NEW SOURCE PERMITS	PERMIT 33949
AIR NEW SOURCE PERMITS	PERMIT 46035
AIR NEW SOURCE PERMITS	PERMIT 46709
AIR NEW SOURCE PERMITS	PERMIT 46753
AIR NEW SOURCE PERMITS	PERMIT 46752
AIR NEW SOURCE PERMITS	PERMIT 49651
AIR NEW SOURCE PERMITS	PERMIT 49650
AIR NEW SOURCE PERMITS	PERMIT 49649
AIR NEW SOURCE PERMITS	PERMIT 49648
AIR NEW SOURCE PERMITS	PERMIT 49647
AIR NEW SOURCE PERMITS	PERMIT 49671
AIR NEW SOURCE PERMITS	PERMIT 49661
AIR NEW SOURCE PERMITS	PERMIT 49662
AIR NEW SOURCE PERMITS	PERMIT 49663
AIR NEW SOURCE PERMITS	PERMIT 49664
AIR NEW SOURCE PERMITS	PERMIT 49665
AIR NEW SOURCE PERMITS	PERMIT 49660
AIR NEW SOURCE PERMITS	PERMIT 49658
AIR NEW SOURCE PERMITS	PERMIT 49659
AIR NEW SOURCE PERMITS	PERMIT 49666
AIR NEW SOURCE PERMITS	PERMIT 49674
AIR NEW SOURCE PERMITS	PERMIT 49673
AIR NEW SOURCE PERMITS	PERMIT 49672
AIR NEW SOURCE PERMITS	PERMIT 49670
AIR NEW SOURCE PERMITS	PERMIT 49669
AIR NEW SOURCE PERMITS	PERMIT 49668
AIR NEW SOURCE PERMITS	PERMIT 49667
AIR NEW SOURCE PERMITS	PERMIT 49657
AIR NEW SOURCE PERMITS	PERMIT 50023
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER JE0091L
AIR NEW SOURCE PERMITS	AFS NUM 0057
AIR NEW SOURCE PERMITS	REGISTRATION 79528
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID TXD045196565
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR) 32500
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID TXD045196565
WATER LICENSING	LICENSE 1230065
WASTEWATER	PERMIT TPDES0005746
WASTEWATER	PERMIT TX0005746
WASTEWATER	PERMIT WQ0001151000

Location: 2300 North Highway 347, Nederland, Jefferson County Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 29, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 29, 2001 to November 29, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Laurie Eaves Phone: 512/239-4495

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership of the site during the compliance period? Yes

3. If Yes, who is the current owner? Sunoco Partners Marketing & Terminals L.P.

4. If Yes, who was/were the prior owner(s)? Sun Pipe Line Company

5. When did the change(s) in ownership occur? 02/08/2002

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/14/2006 ADMINORDER 2005-0519-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 5415 PERMIT
56508 PERMIT
5691 PERMIT
5757 PERMIT
Description: Failed to equip 11open-ended valves or lines with a cap, blind flange, plug, or a second valve.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 5415 PERMIT
5691 PERMIT
5757 PERMIT
SC 7F PERMIT
Special Condition 9A OP
Description: Failed to monitor components two inches and smaller at the following units: Tank 1542, Tank 1541 and central manifold associated with Permit 5757; Ship Docks 3, 4, and 5 associated with Permit 5691, Tanks 205, 1544, 1545, 1547, 1548, 1549 and 1550, DOE pumps, central manifold, mainline pumps and rotation mani

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 56508 PERMIT
Special Condition 9A OP
Description: Failed to monitor 349 valves during First Quarter 2004. B,19,g,1

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 56508 PERMIT
Special Condition 9A OP
Description: Failed to identify the dock flare fugitive components that are exempt from monitoring and should be listed on the excluded equipment list. B18

Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(A)
30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)
30 TAC Chapter 106, SubChapter A 106.8(c)(5)
30 TAC Chapter 106, SubChapter A 106.8(c)(6)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to maintain records sufficient to demonstrate compliance with all applicable general requirements, Permit by Rule conditions, and emission limitations certified by a PI-8 submitted on August 8, 2002 by failing to monitor and record emission rates for 61 valves and 400 flanges associated with Tanks 204. A8c1G

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 56508 PERMIT
Special Condition 9A OP
Description: Failed to properly monitor according to Method 21 The probe tip was not held perpendicular to the leak interface during monitoring. A8c1G

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit a deviation report for the period March 25 to September 25, 2003 and to include failing to monitor components in the deviations report and annual compliance certification submitted for the period September 25, 2003 to March 2004. A8c1E

Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter A 106.6(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Varied from fugitive emission representations listed in the PI-8 certification submitted on August 8, 2002 for Tanks 204, 205, 1502, 1515, 1546, 1551, 1552, and 1554 by not monitoring the tanks. A8c2Aii

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 08/26/2004 (288077)
2 08/20/2002 (5838)
3 05/17/2002 (106308)
4 05/17/2002 (106307)
5 05/17/2002 (106306)
6 05/02/2002 (106305)
7 04/16/2002 (106304)
8 04/20/2006 (498177)
9 05/22/2006 (498178)
10 04/08/2004 (266749)
11 12/18/2002 (18242)
12 05/13/2004 (270773)
13 03/16/2005 (381854)
14 11/10/2004 (381855)
15 12/16/2004 (381856)
16 01/13/2005 (381857)
17 05/01/2006 (458210)
18 04/21/2006 (458339)
19 05/30/2006 (463018)
20 08/14/2003 (148994)
21 02/19/2002 (158185)
22 12/16/2003 (257394)
23 02/14/2003 (158186)
24 06/30/2005 (395645)
25 08/07/2002 (158188)
26 03/13/2002 (158189)
27 04/19/2004 (352113)
28 05/20/2005 (375445)
29 08/07/2002 (158191)
30 04/19/2002 (158192)
31 04/14/2003 (158193)
32 07/12/2006 (520183)
33 08/18/2006 (520184)
34 09/29/2006 (520185)
35 05/14/2002 (158195)
36 06/12/2003 (37994)
37 10/30/2006 (520186)
38 10/27/2006 (520187)
39 05/17/2004 (352114)
40 12/04/2002 (17567)
41 08/07/2002 (158197)
42 07/13/2006 (482099)
43 07/12/2004 (352115)
44 06/17/2002 (158198)
45 05/23/2003 (29201)

46 08/16/2004 (352116)
47 02/11/2004 (295383)
48 10/07/2003 (152964)
49 08/04/2002 (158200)
50 03/17/2003 (295384)
51 09/13/2004 (352117)
52 03/15/2004 (295386)
53 07/15/2002 (158201)
54 05/19/2003 (295387)
55 02/10/2005 (430030)
56 10/11/2004 (352118)
57 06/13/2003 (295388)
58 04/20/2005 (430031)
59 08/07/2002 (158203)
60 02/17/2006 (468407)
61 06/14/2004 (295389)
62 08/12/2002 (158204)
63 03/20/2006 (468408)
64 05/06/2005 (430032)
65 07/14/2003 (295390)
66 10/21/2005 (468409)
67 08/14/2003 (295391)
68 11/16/2005 (468410)
69 06/08/2005 (430033)
70 08/07/2002 (158206)
71 12/12/2005 (468411)
72 09/13/2002 (158207)
73 09/12/2003 (295392)
74 01/12/2006 (468413)
75 08/07/2002 (158209)
76 10/20/2003 (295393)
77 10/10/2002 (158210)
78 11/17/2003 (295394)
79 07/20/2005 (440821)
80 12/15/2003 (295395)
81 08/15/2005 (440822)
82 11/19/2002 (158212)
83 01/15/2004 (295396)
84 08/25/2006 (510119)
85 09/15/2005 (440823)
86 12/05/2005 (437677)
87 05/30/2006 (462574)
88 12/04/2003 (251268)
89 08/07/2002 (158214)
90 12/18/2002 (158215)
91 11/19/2004 (337634)
92 08/15/2003 (143951)
93 08/07/2002 (158217)
94 01/16/2003 (158218)
95 12/12/2003 (252837)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/14/2003 (148994)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)
Description: Failure to visually inspect the secondary seals within six months.

Date: 03/31/2004 (352113)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/09/2004 (266749)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to comply with emission control requirements for the storage of crude oil with a vapor pressure greater than 11.0 psia.

Date: 02/29/2004 (295386)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/23/2005 (375445)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to submit a semi-annual deviation report no later than 30 days after the end of the reporting period.

Date: 07/25/2006 (510119)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

Date: 03/31/2005 (430031)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (430032)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/01/2006 (458210)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP IA
Description: Failure to register the degreasing unit using Form PI-7 and a Degreasing Unit Checklist.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)
30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP IA
Description: Failure to maintain monthly records of the total solvent makeup.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(C)
30 TAC Chapter 115, SubChapter E 115.412(1)(F)(iv)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP IA
Description: Failure to remove two wooden handle paint brushes from the degreasing unit.
Failure to remove two wooden handle paint brushes from the degreasing unit.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to keep Water Separation Tank 1513 and 1514 vapor-tight.

Date: 12/31/2002 (158218)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 09/15/2006 (515172)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING SUNOCO PARTNERS	§	**TEXAS COMMISSION ON**
MARKETING & TERMINALS L.P.	§	
RN100214626	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-0942-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sunoco Partners Marketing & Terminals L.P. ("Sunoco") under the authority TEX. WATER CODE chs. 7 and 26, and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, through the Enforcement Division, and Sunoco appear before the Commission and together stipulate that:

1. Sunoco owns and operates a wastewater treatment facility located at 2300 North Highway 347 in Nederland, Jefferson County, Texas (the "Facility").

2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.

3. Sunoco has discharged wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

4. The Commission and Sunoco agree that the Commission has jurisdiction to enter this Agreed Order, and that Sunoco is subject to the Commission's jurisdiction.

5. Sunoco received notice of the violations alleged in Section II ("Allegations") on or about June 5, 2006.

6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Sunoco of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

7. An administrative penalty in the amount of Twenty-Eight Thousand Seventy-Eight Dollars ($28,078) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Sunoco has paid Twenty-Two Thousand Four Hundred Sixty-Two Dollars ($22,462) of the administrative penalty and Five Thousand Six Hundred Sixteen Dollars ($5,616) is deferred contingent upon Sunoco's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If

Sunoco fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Sunoco to pay all or part of the deferred penalty.

8. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

9. The Executive Director of the TCEQ and Sunoco have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

10. The Executive Director recognizes that Sunoco implemented the following corrective measures at the Facility:

    a. On May 23, 2006, discontinued the use of naphtha; decommissioned the parts washer bin; provided secondary containment for the wash bay and cleaned the No. 1 Lube Sump; repaired and recoated the grit tank and the oil and water separator; and began monitoring stormwater outfalls daily and will sample when discharges occur;

    b. On July 21, 2006, amended Manifest No. 3372217 to include the transporter's identification and phone numbers;

    c. On July 31, 2006, cleaned the affected areas from the four unauthorized discharges, removed the debris, and applied fresh dirt; and recoated and repaired the grit tank;

    d. On August 7, 2006, amended the Notice of Registration to include equalization tank nos. 1513 and 1514; and

    e. On September 1, 2006, developed and implemented a new waste determination and record keeping procedure.

11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Sunoco has not complied with one or more of the terms or conditions in this Agreed Order.

12. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Sunoco is alleged to have:

1. Failed to prevent the unauthorized discharge of hydrocarbon onto the ground, in violation of 30 TEX. ADMIN. CODE § 335.4, as documented during an investigation conducted on April 13, 2006. Specifically, the first discharge was located at the bunker area and impacted an area of 30 feet by 50 feet; the second discharge was located at the sump adjacent to Ship Dock 1 and impacted an area 4 feet by 15 feet; the third discharge was located at the manifold under Department of Energy jurisdiction and impacted an area of 4 feet by 15 feet; and the fourth discharge was located on the north side of the maintenance building and impacted an area of 4 feet by 15 feet.

2. Failed to update the Notice of Registration ("NOR"), in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on April 13, 2006. Specifically, two wastewater ponds and two wastewater tanks were not on the NOR.

3. Failed to put the state transporter's identification and phone numbers on Manifest No. 3372217, in violation of 30 TEX. ADMIN. CODE § 335.10(b), as documented during an investigation conducted on April 13, 2006.

4. Failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1), as documented during an investigation conducted on April 13, 2006. Specifically, hazardous waste determination and classification documents for friable asbestos (waste code 00093111) and lab chemicals (waste code 456100H) were not being maintained.

5. Failed to obtain authorization to process a hazardous waste (naphtha), in violation of 30 TEX. ADMIN. CODE § 335.2(a) , as documented during an investigation conducted on April 13, 2006. Specifically, spent naphtha from a parts washer bin was discharged into a nearby sump and pumped into tank nos. 1513 and 1514 and then the tank bottoms (wastewater) were discharged to aeration tank no. 1506.

6. Failed to conduct a hazardous waste determination and waste classification for spent naphtha generated in the parts washer bin, in violation of 30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS § 262.11, as documented during an investigation conducted on April 13, 2006.

7. Failed to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001151000, Operational Requirements No. 1, as documented during an investigation conducted on April 13, 2006. Specifically, the oil and water separator and grit tank were observed to be severely corroded. The grit tank was leaking as a result of the corrosion. Additionally, the synthetic liners in the two ballast ponds were in disrepair.

8. Failed to prevent the discharge of industrial wastes to a stormwater outfall, in violation of TEX. WATER CODE § 26.121(c), as documented during an investigation conducted on April 13, 2006. Specifically, spillage of industrial wastes were observed adjacent to the stormwater ditch at the No. 1 Lube Sump and wastewater at the washer bay was observed flowing over the secondary containment and running downhill.

9. Failed to collect effluent samples from stormwater outfalls 002, 003, and 004 at the frequency required by the permit, in violation of 30 TEX. ADMIN. CODE § 319.5(b) and TPDES Permit No. WQ0001151000, Effluent Limitations and Monitoring Requirements No. 1, Outfalls 002, 003, and 004, as documented during an investigation conducted on April 13, 2006.

10. Failed to prevent the introduction of a waste not authorized by permit into the wastewater treatment facility, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0001151000, Permit Conditions No. 4.d., as documented during an investigation conducted on April 13, 2006. Specifically, spent naphtha was vacuumed from the parts washer bin and placed into a sump which lifted the waste to the equalization tanks (Tank Nos. 1513 and 1514).

III. DENIALS

Sunoco generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Sunoco pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and Sunoco's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sunoco Partners Marketing & Terminals L.P., Docket No. 2006-0942-MLM-E" to:

   Financial Administration Division, Revenues Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   P.O. Box 13088
   Austin, Texas 78711-3088

2. It is further ordered that Sunoco shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, conduct a hazardous waste determination on the spent naphtha, in accordance with 30 TEX. ADMIN. CODE § 335.62;

b. Within 60 days after the effective date of this Agreed Order, repair the ballast pond liners; or submit and implement a closure plan which includes an implementation date of not longer than 90 days from the date the plans are approved for the ponds, in accordance with 30 TEX. ADMIN. CODE § 335.8(b)(1) and TPDES Permit No. WQ0001151000, Operational Requirements No. 11.c; and

c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon Sunoco. Sunoco is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If Sunoco fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Sunoco's failure to comply is not a violation of this Agreed Order. Sunoco shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Sunoco shall notify the Executive Director within seven days after Sunoco becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Sunoco shall be made in writing to the Executive Director. Extensions are not effective until Sunoco receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Sunoco in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Sunoco, or three days after the date on which the Commission mails notice of the Order to Sunoco, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

Date 6/21/07

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date March 22, 2007

David A. Justin
Name (Printed or typed)
Authorized Representative of
Sunoco Partners Marketing & Terminals L.P.

Title Vice President - Operations

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.