EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1365-AIR-E **TCEQ ID:** RN102888328 **CASE NO.:** 34479

RESPONDENT NAME: Sunoco, Inc. (R&M)

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:		
_X_AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Sunoco R&M La Porte Plant, 8811 Strang Road, La Porte, Harris County

TYPE OF OPERATION: Chemical manufacturing plant

SMALL BUSINESS: ____ **Yes** _X_ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2007-0484-AIR-E and 2007-1940-AIR-E.

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 June 14, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Mr. Gerald Crawford, Environmental Engineer, Sunoco, Inc. (R&M), 9802 Fairmont Parkway, Pasadena, Texas 7507-1120

Mr. Calvin E. Greene, Environmental Superintendent, Sunoco, Inc. (R&M), 9802 Fairmont Parkway, Pasadena, Texas 77507-1120

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 ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date(s) of Investigation Relating to this Case:** August 20 and 22, 2007 **Date(s) of NOEs Relating to this Case:** August 23 and 28, 2007 (NOE) **Background Facts:** These were routine record reviews. **AIR** 1) Failure to prevent unauthorized emissions. Specifically, due to the D-301C flash vessel becoming plugged with polypropylene powder, unauthorized emissions of 510.75 lbs of carbon monoxide ("CO"), 64.52 lbs of nitrogen oxide ("NOx"), and 714.8 lbs of volatile organic compounds ("VOCs") were released from the C Flare, emission point number 140, in the C Line Unit during an emissions event (Incident No. 91432) that occurred on May 18, 2007 and lasted seven hours. Since these emissions were avoidable and improperly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 5572B, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to submit the initial emissions event report for Incident No. 91432 within 24 hours after discovery of the event. Specifically, the report was required to be submitted by May 19, 2007 at 6:00 p.m., but was not submitted until May 21, 2007 at 2:45 p.m. [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failure to submit additional information regarding Incident No. 91432 within the	**Total Assessed:** $20,400 **Total Deferred:** $4,080 _X_Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $16,320 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order: i. Implement measures designed to prevent the outlet of the D-301C flash vessel from becoming plugged with polypropylene powder; ii. Develop and implement procedures to ensure timely reporting of future emissions events and timely responses to requests for information regarding future emissions events; and iii. Implement measures designed to prevent excessive vibration of Pump P302A causing the seal flush line to fail. b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. through a.iii.

established timeframe. Specifically, additional information was requested to be submitted by August 17, 2007 but no information has been submitted [30 TEX. ADMIN. CODE § 101.201(f) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failure to prevent unauthorized emissions. Specifically, due to excessive vibration of Pump P302A that caused the seal flush line to fail, unauthorized emissions of 111.23 lbs of CO, 14.36 lbs of NOx, and 156.13 of VOCs were released from the C Flare, emission point number 140, and 960 lbs of propylene were released from the P302 Seal Flush Line in the C Line Unit during an emissions event (Incident No. 91779) that occurred on May 29, 2007 and lasted one hour. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 5572B, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: HG0825G

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision June 26, 2007*

DATES					
Assigned	13-Aug-2007				
PCW	17-Oct-2007	Screening	22-Aug-2007	EPA Due	6-May-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Sunoco, Inc. (R&M)		
Reg. Ent. Ref. No.	RN102888328		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34479	No. of Violations	4
Docket No.	2007-1365-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $10,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 100% Enhancement — *Subtotals 2, 3, & 7* $10,200

Notes: Penalty enhancement due to eight NOVs issued for same or similar violations and three agreed orders containing a denial of liability.

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 x)

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$102
Approx. Cost of Compliance	$2,400

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $20,400

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 $20,400

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $20,400

DEFERRAL — 20% Reduction — *Adjustment* -$4,080

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 $16,320

Screening Date 22-Aug-2007 **Docket No.** 2007-1365-AIR-E **PCW**

Respondent Sunoco, Inc. (R&M) *Policy Revision 2 (September 2002)*

Case ID No. 34479 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102888328

Media [Statute] Air

Enf. Coordinator Trina Grieco

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*)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	3	60%
	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 submitted*)	0	0%
	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) 100%

>> **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: Penalty enhancement due to eight NOVs issued for same or similar violations and three agreed orders containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 100%

Screening Date 22-Aug-2007 **Docket No.** 2007-1365-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Respondent Sunoco, Inc. (R&M)

Case ID No. 34479

Reg. Ent. Reference No. RN102888328

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 5572B, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, due to the D-301C flash vessel becoming plugged with polypropylene powder, unauthorized emissions of 510.75 lbs of CO, 64.52 lbs of NOx, and 714.8 lbs of VOCs were released from the C Flare, emission point number 140, in the C Line Unit during an emissions event (Incident No. 91432) that occurred on May 18, 2007 and lasted seven hours. Since these emissions were avoidable and improperly reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria non attainment area has been exposed to 1,290.07 lbs of pollutants as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $87

Statutory Limit Test

Violation Final Penalty Total $10,000

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 34479
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
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)	$2,000	18-May-2007	1-Apr-2008	0.9	$87	n/a	$87

Notes for DELAYED costs: Estimated cost to implement measures designed to prevent the outlet of the D-301C flash vessel from becoming plugged with polypropylene powder. Date required is the date of the release. Final date is the date corrective actions are projected to be complete.

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 $87

Screening Date 22-Aug-2007 **Docket No.** 2007-1365-AIR-E **PCW**

Respondent Sunoco, Inc. (R&M) *Policy Revision 2 (September 2002)*

Case ID No. 34479 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102888328

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit the initial emissions event report for Incident No. 91432 within 24 hours after discovery of the event. Specifically, the report was required to be submitted by May 19, 2007 at 6:00 p.m., but was not submitted until May 21, 2007 at 2:45 p.m.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule requirements were met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 1 | 2 Number of violation days

mark only one with an 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 $9

Statutory Limit Test

Violation Final Penalty Total $200

This violation Final Assessed Penalty (adjusted for limits) $200

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 34479
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
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	19-May-2007	1-Apr-2008	0.9	$9	n/a	$9
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 of additional training necessary to ensure that plant personnel submit emisssions event reports within required timeframes. Date required is the date the emissions event report was due. Final date is the date corrective actions are projected to be completed.

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: $9

Screening Date 22-Aug-2007 **Docket No.** 2007-1365-AIR-E **PCW**

Respondent Sunoco, Inc. (R&M) *Policy Revision 2 (September 2002)*

Case ID No. 34479 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102888328

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 101.201(f) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit additional information regarding Incident No. 91432 within the established timeframe. Specifically, additional information was requested to be submitted by August 17, 2007 but no information has been submitted.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule requirements were met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 1 — 13 Number of violation days

mark only one with an 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 $84

Statutory Limit Test

Violation Final Penalty Total $200

This violation Final Assessed Penalty (adjusted for limits) $200

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 34479
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
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	17-Aug-2007	1-Apr-2008	0.6	$6	n/a	$6
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 for additional training necessary to ensure that plant personnel respond timely to requests for additional information. Date required is the date the additional information was due. Final date is the date corrective actions are projected to be completed.

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: $6

Screening Date 22-Aug-2007 **Docket No.** 2007-1365-AIR-E **PCW**

Respondent Sunoco, Inc. (R&M) *Policy Revision 2 (September 2002)*

Case ID No. 34479 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102888328

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 5572B, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, due to excessive vibration of Pump P302A that caused the seal flush line to fail, unauthorized emissions of 111.23 lbs of CO, 14.36 lbs of NOx, and 156.13 of VOCs were released from the C Flare, emission point number 140, and 960 lbs of propylene were released from the P302 Seal Flush Line in the C Line Unit during an emissions event (Incident No. 91779) that occurred on May 29, 2007 and lasted one hour. Since these emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria non attainment area has been exposed to 1,241.72 lbs of pollutants as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $6

Statutory Limit Test

Violation Final Penalty Total $10,000

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 34479
Reg. Ent. Reference No. RN102888328
Media Air
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				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)	$2,000	29-May-2007	1-Apr-2008	0.8	$84	n/a	$84
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent excessive vibration of Pump P302A that caused the seal flush line to fail. Date required based on the date of the release. Final date is the date corrective actions are projected to be completed.						
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: $84

Compliance History

Customer/Respondent/Owner-Operator:	CN601179914	Sunoco, Inc. (R&M)	Classification: AVERAGE	Rating: 4.35
Regulated Entity:	RN102888328	SUNOCO R&M LA PORTE PLANT	Classification: AVERAGE	Site Rating: 4.91

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011175
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD098200637
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31010
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0825G
AIR OPERATING PERMITS	PERMIT	1424
AIR NEW SOURCE PERMITS	PERMIT	5572B
AIR NEW SOURCE PERMITS	PERMIT	53042
AIR NEW SOURCE PERMITS	PERMIT	5572C
AIR NEW SOURCE PERMITS	PERMIT	40591
AIR NEW SOURCE PERMITS	PERMIT	41949
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0825G
AIR NEW SOURCE PERMITS	AFS NUM	4820100485
AIR NEW SOURCE PERMITS	REGISTRATION	70549
AIR NEW SOURCE PERMITS	PERMIT	54401
AIR NEW SOURCE PERMITS	REGISTRATION	81336
WATER LICENSING	LICENSE	1011175
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	24175
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	31010

Location:	8811 STRANG RD, LA PORTE, TX, 77572	Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	August 15, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 15, 2002 to August 15, 2007		

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

Name: Trina Grieco Phone: (210) 403-4006

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?	No
3. If Yes, who is the current owner?	N/A
4. if Yes, who was/were the prior owner(s)?	N/A
5. When did the change(s) in ownership occur?	N/A

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: 03/05/2004 ADMINORDER 2003-0177-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(g)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)
40 CFR Part 60, Subpart DDD 60.562-2(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to make the first attempt to repair leaking components with tag numbers 70628.02, 70005, 70037, 71814, and 70007 within five calendar days after the leak was discovered.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to document daily flare observation for EPNs Flare-1 and Flare-2, including the time of day and whether or ot the flare was smoking.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC3 PERMIT

Description: Failed to meet the combined emission limit of 23.2 lbs. of VOCs per million lbs. of polypropylene for EPNs 113 and 114, by emitting 39 lbs of VOCs per million lbs. of polypropylene from EPNs 113 and 114 on July 15, 2002.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition Nos. 22(e)(1) and (4) PERMIT

Description: Failed to record in the sample result records for EPNs 113 and 114 the time that each VOC sample was taken and the total VOCs emitted to the atmosphere.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to obtain a permit or permit-by-rule for dry abrasive cleaning operations at the plant.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to document the reason for delay of repair for leaking fugitive components not repaired within fifteen days.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Part 60, Subpart Db 60.49b(a)(1)
40 CFR Part 60, Subpart Db 60.49b(a)(2)
40 CFR Part 60, Subpart Db 60.49b(a)(3)
40 CFR Part 60, Subpart Db 60.49b(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a complete initial start-up notification for C-Boiler (EPN-120) by October 9, 1999.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
40 CFR Part 60, Subpart Db 60.48b(e)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 20(B) PERMIT

Description: Failed to use a certified nitric oxide gas cylinder during the February 27, 2002 cylinder gas audit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.564(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to conduct testing of the emissions from EPN 110 to determine compliance with the individual stream exemptions.

Effective Date: 10/24/2005 ADMINORDER 2005-0188-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 5572B, SC #1 PERMIT

Description: Failed to limit emissions from the C-flare (EPN 140) in the C-Line Unit to those authorized by the permit.

Effective Date: 07/14/2006 ADMINORDER 2005-0794-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit an emissions event report for the exceedance of the estimated emissions as a result of a scheduled startup activity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #5572B, SC#1 PERMIT

Description: Sunoco failed to submit an emissions event report for the exceedance of the estimated emissions as a result of a scheduled startup activity.

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	12/03/2002	(16467)
2	01/08/2003	(9670)
3	07/13/2003	(35184)
4	08/29/2003	(119531)
5	12/17/2003	(252763)
6	12/17/2003	(252730)
7	03/17/2004	(260854)
8	05/17/2004	(251876)
9	06/22/2004	(266994)
10	06/22/2004	(266995)
11	08/23/2004	(265841)
12	08/28/2004	(266466)
13	08/28/2004	(267569)
14	08/28/2004	(265810)
15	08/29/2004	(265566)
16	08/31/2004	(290571)
17	09/01/2004	(279190)
18	10/22/2004	(337799)
19	10/25/2004	(291973)
20	11/11/2004	(290630)
21	12/20/2004	(343600)
22	01/07/2005	(339390)
23	01/18/2005	(336630)
24	02/11/2005	(336628)
25	04/18/2005	(373760)
26	05/02/2005	(375166)
27	05/04/2005	(378176)
28	05/06/2005	(379885)
29	07/13/2005	(399795)
30	07/13/2005	(399616)
31	07/27/2005	(401628)
32	07/27/2005	(401452)
33	07/27/2005	(400065)
34	08/10/2005	(404050)
35	08/24/2005	(404759)
36	08/25/2005	(405746)
37	08/29/2005	(405386)
38	11/28/2005	(431292)
39	02/10/2006	(453301)
40	02/21/2006	(453967)
41	02/23/2006	(455885)
42	02/25/2006	(456917)
43	02/28/2006	(456491)
44	02/28/2006	(457028)
45	02/28/2006	(457168)
46	04/11/2006	(457719)
47	04/28/2006	(463982)
48	05/26/2006	(461009)
49	06/06/2006	(467462)
50	07/10/2006	(466004)
51	07/10/2006	(483608)
52	07/14/2006	(484670)
53	07/31/2006	(456185)
54	08/04/2006	(380088)
55	08/18/2006	(509314)
56	09/01/2006	(489141)
57	09/11/2006	(511595)
58	09/18/2006	(511640)
59	09/19/2006	(512017)
60	09/21/2006	(512001)

61 10/11/2006 (467414)
62 10/31/2006 (516691)
63 02/26/2007 (537781)
64 03/21/2007 (540253)
65 04/11/2007 (555880)
66 08/03/2007 (570285)
67 08/10/2007 (570396)
68 08/10/2007 (570893)
69 08/14/2007 (568525)

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

Date: 08/29/2003 (119531)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to control unauthorized emissions from the Hexane and Propylene Distillation Unit during an emissions event.

Date: 08/23/2004 (265841)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ Air Permit No. 5572B, SC #1
Description: Failed to submit a copy of a final record for a scheduled maintenance activity.

Date: 08/28/2004 (267569)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ Air Permit No. 5572B, SC #1
Description: Sunoco failed to report an emissions event.

Date: 07/27/2005 (400065)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Description: Failure to represent the emissions from A/B Flare properly in the Permit Application dated November 22, 2002.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT 5572B SC No.9
OP O-01424, SC 8
Description: Failure to unload tanks within the permit allocated time period

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT 5572B, SC 18.E
OP O-01424, SC 1A & 8
Description: Failure to cap or plug the 115 open ended lines in B-line Unit and 67 open ended lines in C-line Unit during the certification period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
Description: Failure to submit the deviation report within 30 days after the end of the six months reporting period from February 2, 2004 through August 2, 2004.

Date: 05/30/2006 (461009)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PA 5572B, Special Condition #1
Description: Failure to prevent venting of unauthorized emissions to the flare due to partially plugged make up water heat exchanger.

Date: 07/10/2006 (466004)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT No. 5572B, Special Condition 1
Description: Failure to prevent unauthorized emissions

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)
Description: Failure to submit final report for a scheduled startup activity no late than two

weeks after the end of the scheduled startup.

Date: 07/14/2006 (484670)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent unauthorized emissions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)

Description: Failure to submit the final report for the scheduled maintenance activity in a timely manner.

Date: 08/14/2007 (568525)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP General Terms and Conditions

Description: Failure to submit a deviation report by the submittal due date.

F. Environmental audits.

N/A

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	§	**TEXAS COMMISSION ON**
SUNOCO, INC. (R&M)	§	
RN102888328	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1365-AIR-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, Inc. (R&M) ("Sunoco") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. 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 chemical manufacturing plant at 8811 Strang Road in La Porte, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. 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.

4. Sunoco received notice of the violations alleged in Section II ("Allegations") on or about August 28 and September 2, 2007.

5. 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.

6. An administrative penalty in the amount of Twenty Thousand Four Hundred Dollars ($20,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Sunoco has paid Sixteen Thousand Three Hundred Twenty Dollars ($16,320) of the administrative penalty and Four Thousand Eighty Dollars ($4,080) 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 Plant, Sunoco is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 5572B, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 20, 2007. Specifically, due to the D-301C flash vessel becoming plugged with polypropylene powder, unauthorized emissions of 510.75 lbs of carbon monoxide ("CO"), 64.52 lbs of nitrogen oxide ("NOx"), and 714.8 lbs of volatile organic compounds ("VOCs") were released from the C Flare, emission point number 140, in the C Line Unit during an emissions event (Incident No. 91432) that occurred on May 18, 2007 and lasted seven hours. Since these emissions were avoidable and improperly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2. Failed to submit the initial emissions event report for Incident No. 91432 within 24 hours after discovery of the event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 20, 2007. Specifically, the report was required to be submitted by May 19, 2007 at 6:00 p.m., but was not submitted until May 21, 2007 at 2:45 p.m.

3. Failed to submit additional information regarding Incident No. 91432 within the established timeframe, in violation of 30 TEX. ADMIN. CODE § 101.201(f) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 20, 2007. Specifically, additional information was requested to be submitted by August 17, 2007 but no information has been submitted.

4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 5572B, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 22, 2007. Specifically, due to excessive vibration of Pump P302A that caused the seal flush line to fail, unauthorized emissions of 111.23 lbs of CO, 14.36 lbs of NOx, and 156.13 of VOCs were released from the C Flare, emission point number 140, and 960 lbs of propylene were released from the P302 Seal Flush Line in the C Line Unit during an emissions event (Incident No. 91779) that occurred on May 29, 2007 and lasted one hour. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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 6 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, Inc. (R&M), Docket No. 2007-1365-AIR-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:

      i. Implement measures designed to prevent the outlet of the D-301C flash vessel from becoming plugged with polypropylene powder;

      ii. Develop and implement procedures to ensure timely reporting of future emissions events and timely responses to requests for information regarding future emissions events; and

      iii. Implement measures designed to prevent excessive vibration of Pump P302A causing the seal flush line to fail.

   b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii. 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 I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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 Plant 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 1/21/2008

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.

_____ 11/6/07
Signature Date

CALVIN E. GREENE ENVIRONMENTAL SUPERINTENDENT
Name (Printed or typed) Title
Authorized Representative of
Sunoco, Inc. (R&M)

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.