

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0070-AIR-E **TCEQ ID:** RN100524008 **CASE NO.:** 35204
RESPONDENT NAME: Sunoco, Inc. (R&M)

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Sunoco R&M Bayport Polypropylene, 9802 Fairmont Parkway, Pasadena, Harris County</p> <p>TYPE OF OPERATION: Polypropylene manufacturing</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 16, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Calvin E. Greene, Environmental Superintendent, Sunoco, Inc. (R&M), 9802 Fairmont Parkway, Pasadena, Texas 77507 Mr. Gerald Crawford, Environmental Engineer, Sunoco, Inc. (R&M), 9802 Fairmont Parkway, Pasadena, Texas 77507 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 12, 2007</p> <p>Date of NOV/NOE Relating to this Case: November 30, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to operate the PP Flare (EPN 3-209) within the nitrogen oxide ("NOx") and carbon monoxide ("CO") permitted limits. Specifically, the PP Flare was permitted for 5.33 tons per year ("tpy") of NOx and 38.47 tpy of CO, however, the NOx emissions released from the PP Flare were 14.10 tpy in 2005, 10.63 tpy in 2006, and the CO emissions released from the PP Flare were 52.41 tpy in 2006 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), TCEQ Air Permit No. 3126A, General Condition No. 8 and Special Condition No. 1, Federal Operating Permit O-02314, Special Condition No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)]</p>	<p>Total Assessed: \$11,100</p> <p>Total Deferred: \$2,220 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$8,880</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on December 14, 2007, the Respondent came into compliance by obtaining a permit amendment to increase the allowable emission level for NOx and CO for TCEQ Air Permit No. 3126A.</p>

Additional ID No(s): HG0621B



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision November 6, 2007

DATES	Assigned	3-Dec-2007		
	PCW	8-Jan-2008	Screening	8-Jan-2008
	EPA Due			

RESPONDENT/FACILITY INFORMATION			
Respondent	Sunoco, Inc. (R&M)		
Reg. Ent. Ref. No.	RN100524008		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35204	No. of Violations	1
Docket No.	2008-0070-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Nadia Hameed
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	132% Enhancement	Subtotals 2, 3, & 7	\$6,600
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Notes

Penalty enhancement due to six 1660 agreed orders with denial of liability, one same or similar NOV, and four non-similar NOVs of which one was a self-reported effluent violation. Penalty reduction for one Notice of Audit.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	10% Reduction	Subtotal 5	\$500
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on December 14, 2007.

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$811	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,100
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$11,100
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,100
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DEFERRAL	20% Reduction	Adjustment	-\$2,220
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,880
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Screening Date 8-Jan-2008

Docket No. 2008-0070-AIR-E

PCW

Respondent Sunoco, Inc. (R&M)

Policy Revision 2 (September 2002)

Case ID No. 35204

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100524008

Media [Statute] Air

Enf. Coordinator Nadia Hameed

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)	1	5%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	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)	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) 132%

>> 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 six 1660 agreed orders with denial of liability, one same or similar NOV, and four non-similar NOVs of which one was a self-reported effluent violation. Penalty reduction for one Notice of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 132%

Screening Date	8-Jan-2008	Docket No.	2008-0070-AIR-E	PCW
Respondent	Sunoco, Inc. (R&M)	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	35204	<i>PCW Revision November 6, 2007</i>		
Reg. Ent. Reference No.	RN100524008			
Media [Statute]	Air			
Enf. Coordinator	Nadia Hameed			

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), 122.143(4), TCEQ Air Permit No. 3126A, General Condition No. 8 and Special Condition No. 1, Federal Operating Permit O-02314, Special Condition No. 6, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to operate the PP Flare (EPN 3-209) within the nitrogen oxide ("NOx") and carbon monoxide ("CO") permitted limits. Specifically, the PP Flare was permitted for 5.33 tons per year ("tpy") of NOx and 38.47 tpy of CO, however, the NOx emissions released from the PP Flare were 14.10 tpy in 2005, 10.63 tpy in 2006, and the CO emissions released from the PP Flare were 52.41 tpy in 2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="25%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input checked="" type="checkbox"/>
single event	<input type="text"/>	

Violation Base Penalty

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Sunoco, Inc. (R&M)
 Case ID No. 35204
 Reg. Ent. Reference No. RN100524008
 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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$5,500	1-Jan-2005	14-Dec-2007	3.0	\$811	n/a	\$811
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for obtaining a permit amendment. Date required is the date of the initial non-compliance. Final date is the date when the permit amendment was obtained.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$5,500

TOTAL

\$811

Compliance History

Customer/Respondent/Owner-Operator:	CN601179914 Sunoco, Inc. (R&M)	Classification: AVERAGE	Rating: 4.78
Regulated Entity:	RN100524008 SUNOCO R & M BAYPORT POLYPROPYLENE	Classification: AVERAGE	Site Rating: 9.14
ID Number(s):	WASTEWATER PERMIT WQ000260000 WASTEWATER PERMIT TPDES0091073 WASTEWATER PERMIT TX0091073 INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD020800371 GENERATION INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 30486 GENERATION (SWR) AIR OPERATING PERMITS ACCOUNT NUMBER HG1996R AIR OPERATING PERMITS ACCOUNT NUMBER HG1996R AIR OPERATING PERMITS PERMIT 1608 AIR OPERATING PERMITS PERMIT 2314 AIR OPERATING PERMITS PERMIT 1373 AIR NEW SOURCE PERMITS ACCOUNT NUMBER HGA009I AIR NEW SOURCE PERMITS AFS NUM 4820101559 AIR NEW SOURCE PERMITS PERMIT 3126A AIR NEW SOURCE PERMITS PERMIT 4157A AIR NEW SOURCE PERMITS REGISTRATION 78241 AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0621B AIR NEW SOURCE PERMITS REGISTRATION 81326 AIR NEW SOURCE PERMITS REGISTRATION 81341 STORMWATER PERMIT TXR05S915 PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010818		
Location:	9802 FAIRMONT PKWY, PASADENA, TX, 77507	Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	January 08, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 21, 2002 to December 21, 2007		

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

Name: NHameed Phone: 713-767-3629

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? | <u>Sunoco, Inc. (R&M)</u> |
| | <u>Chevron Pipe Line Company</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>Equistar Chemicals, LP</u> |
| | <u>Equistar Chemicals, LP</u> |
| | <u>Lyondell Chemical Company</u> |
| 5. When did the change(s) in ownership occur? | <u>04/01/2003</u> |
| | <u>04/11/2007</u> |

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: 03/21/2005 ADMINORDER 2004-0351-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 18 PERMIT

Description: Failed to maintain the bagfilters system clean and free of holes or cracks

Classification: Moderate

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

Rqmt Prov: General Condition 8 PERMIT
Description: Failed to properly operate the Uninterruptible Power System (UPS)
Classification: Moderate

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

Description: Failed to operate the flare, EPN 3-209, within opacity limitations which resulted in smoke emissions

Classification: Moderate

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

Rqmt Prov: General Conditions (MAERT) PERMIT

Description: Failed to operate the dryer in accordance with the permit

Classification: Moderate

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 60.18(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 5 PERMIT

Description: Failed to conduct required performance test for flare (EPN 3-209) within 180 days of system modification

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to demonstrate the claimed 1.6 Mg/yr. exemption status for individual vent streams

Classification: Moderate

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

Rqmt Prov: Special Condition 15E PERMIT

Description: Failed to properly test samples using approved method to determine volatile organic compound emissions from the off-gassing of polypropylene pellets

Effective Date: 08/29/2005 ADMINORDER 2004-1685-AIR-E

Classification: Major

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

Rqmt Prov: Air Per. No. 3126A, Spec. Cond. No. 1 OP

Description: Exceeded VOC permit limit.

Effective Date: 12/15/2005 ADMINORDER 2004-1918-IHW-E

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)

Description: On June 18, 2004, Sunoco failed to prevent the disposal of two (2) containers of hazardous waste at a non-hazardous landfill (Gulf West landfill).

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: Sunoco and its contractors failed to properly label containers of solid waste. As a result of the lack of proper labeling, two roll-off containers of hazardous waste were manifested and transported as a Class 1 waste to the Gulf West landfill.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(18)
30 TAC Chapter 335, SubChapter A 335.10(b)(22)

Description: Sunoco failed to indicate the proper waste classification on two manifests for the hazardous wastes.

Effective Date: 03/06/2006 ADMINORDER 2005-1150-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 3126A, Special Condition 2E PERMIT

Description: Failure to construct so that no valves shall be installed or operated at the end of a pipe or line containing highly-reactive volatile organic compounds (HRVOC) unless the pipes or line is sealed with a second valve, a blind flange, or a tightly-fitting plug or cap.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 115, SubChapter H 115.781(b)

30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 3126A, Special Condition 2F PERMIT
 Description: Failure to adequately identify and monitor all accessible valves by leak-checking for fugitive emissions at least quarterly using an approved gas analyzer.
 Effective Date: 05/12/2006 ADMINORDER 2005-0164-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: 4157A: Special Condition 1 PERMIT
 Description: Failed to prevent the unauthorized emission of a highly reactive volatile organic compound (HRVOC) exceeding the maximum allowable emission rate from the Emission Point Nos. (EPN) 1-167 and 1-175 on June 1 through June 30, 2003.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 4157A Special Condition 1 PERMIT
 Description: Failed to prevent the unauthorized emission of a highly reactive volatile organic compound (HRVOC) exceeding the maximum allowable emission rate from the Emission Point No. (EPN) 1-175 on March 15, 2004.
 Effective Date: 03/05/2007 ADMINORDER 2006-0783-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: TCEQ Air Permit #3126A, SC #1 PERMIT
 Description: Failed to prevent unauthorized emissions on July 14, 2004.

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	01/08/2003	(19129)
2	05/20/2003	(361909)
3	06/17/2003	(33276)
4	06/23/2003	(361911)
5	07/21/2003	(361913)
6	08/15/2003	(9932)
7	08/21/2003	(361916)
8	09/23/2003	(361918)
9	09/29/2003	(152939)
10	10/23/2003	(361920)
11	11/20/2003	(361921)
12	12/29/2003	(361922)
13	01/23/2004	(361923)
14	02/05/2004	(259998)
15	02/06/2004	(259943)
16	02/06/2004	(259992)
17	02/11/2004	(262171)
18	03/01/2004	(318545)
19	03/22/2004	(361907)
20	04/21/2004	(361908)
21	05/04/2004	(256614)
22	05/19/2004	(361910)
23	06/14/2004	(361912)
24	07/22/2004	(361914)
25	08/18/2004	(361917)
26	08/31/2004	(268611)
27	09/07/2004	(286336)
28	09/22/2004	(361919)
29	10/25/2004	(333252)
30	11/23/2004	(387415)
31	12/27/2004	(387416)
32	12/27/2004	(278587)
33	12/31/2004	(271541)
34	01/24/2005	(387417)
35	02/22/2005	(275114)

36 02/23/2005 (425144)
 37 03/21/2005 (425145)
 38 04/25/2005 (425146)
 39 05/06/2005 (379797)
 40 05/06/2005 (379758)
 41 05/24/2005 (425147)
 42 06/14/2005 (372422)
 43 06/23/2005 (425148)
 44 07/26/2005 (445757)
 45 08/08/2005 (336565)
 46 08/08/2005 (336567)
 47 08/08/2005 (336543)
 48 08/08/2005 (337181)
 49 08/08/2005 (336545)
 50 08/08/2005 (336497)
 51 08/22/2005 (445758)
 52 09/23/2005 (445759)
 53 10/24/2005 (477616)
 54 12/01/2005 (477617)
 55 12/27/2005 (477618)
 56 01/23/2006 (477619)
 57 02/24/2006 (477614)
 58 03/23/2006 (477615)
 59 04/12/2006 (456595)
 60 04/24/2006 (504125)
 61 05/23/2006 (504126)
 62 05/25/2006 (349344)
 63 05/25/2006 (349804)
 64 05/25/2006 (349800)
 65 05/25/2006 (373694)
 66 05/25/2006 (374827)
 67 05/31/2006 (335268)
 68 06/19/2006 (504127)
 69 07/24/2006 (526504)
 70 08/21/2006 (526505)
 71 09/25/2006 (526506)
 72 10/18/2006 (550711)
 73 11/08/2006 (514527)
 74 11/20/2006 (550712)
 75 12/07/2006 (488934)
 76 12/08/2006 (550713)
 77 01/09/2007 (586987)
 78 02/22/2007 (586982)
 79 02/23/2007 (539537)
 80 03/22/2007 (586983)
 81 04/24/2007 (586984)
 82 05/22/2007 (586985)
 83 06/12/2007 (556473)
 84 06/25/2007 (586986)
 85 06/26/2007 (556479)
 86 07/23/2007 (604880)
 87 08/23/2007 (604881)
 88 08/28/2007 (566792)
 89 09/06/2007 (569828)
 90 09/24/2007 (604882)
 91 10/15/2007 (596226)
 92 11/30/2007 (594939)

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

Date: 06/17/2003 (33276)
 Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Equistar failed to control ethylene emissions during process operations in the Polypropylene Unit.
 Date: 02/10/2004 (262171)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
 Description: Failure to maintain the sample storage refrigerator at 4 degrees C.

Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT No. 02600-000 Page 3, No. 2c
 Description: Failure to accurately report the daily maximum Chemical Oxygen Demand (COD) result for the month of August, 2003.

Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT No. 02600-000 Page 3, No. 1b
 Description: Failure to accurately calculate and report the daily average flows.
 Date: 01/31/2007 (586982)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/30/2007 (566792)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Sunoco failed to submit the deviation report, dated September 26, 2006, by the submittal due date of September 3, 2006 [FOP O-02314].
 Date: 11/30/2007 (599719)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Sunoco failed to submit a revision application for FOP O-02314 after changes had been made to the NSR Permit 3216A. This is a violation of 122.217. [NSR 3216A; FOP O-02314]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.247(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02314 SC 5D
 Description: Sunoco failed to submit gasoline exemption records. This is a violation of 115.247(2). No further action is required to resolve this violation. In the deviation report dated March 20, 2007. [NSR 3126A; FOP O-02314]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02314 SC6
 PA NSR 3126A SC 6
 Description: Sunoco failed to update MSS records as required. This is a violation of NSR Permit 3126A Special Condition (SC) 6. No further action is required to resolve this violation. In the deviation report dated March 20, 2007, Sunoco reported that proper recordkeeping was initiated in 2007. The inspection of the MSS records confirmed that these records are being maintained as required. [NSR 3126A; FOP O-02314]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02314 SC 6
 OP FOP O-02314 SC1A
 PA NSR 3126A SC 18E
 Description: Sunoco failed to seal open-ended lines. This is a violation of NSR 3126A SC 18E. Sunoco reported in the deviation reports dated September 26, 2006, and March 20, 2007 that caps/plugs were installed upon discovery of the open-ended lines. [NSR 3126A; FOP O-02314]

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02314 SC 6
 PA NSR 3126A SC 5A
 Description: Sunoco failed to maintain flare Btu at the required levels. The PP Flare Btu fell below 300 Btu/scf for at least 1 hour on several occasions. No further action is required to resolve this violation. The deviation reports dated September 26, 2006, and March 20, 2007, Sunoco reported that natural gas flow was increased to the flare after each time the Btu fell below the required value. [NSR 3126A; FOP O-02314]

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: 5C THC Chapter 382, SubChapter D 382.085(b)
Sunoco failed to submit accurate deviation reports. The exceedance of particulate matter emissions above permitted limits were not included in the deviation reports in 2005 and 2006. This is a violation of 122.145(2)(A). [NSR 3126A; FOP O-02314]

F. Environmental audits.

Notice of Intent Date: 02/12/2003 (33179)
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
ENFORCEMENT ACTION
CONCERNING
SUNOCO, INC. (R&M)
RN100524008

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0070-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) ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a polypropylene manufacturing plant at 9802 Fairmont Parkway in Pasadena, 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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 5, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eleven Thousand One Hundred Dollars (\$11,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Eight Hundred Eighty Dollars (\$8,880) of the administrative penalty and Two Thousand Two Hundred Twenty Dollars (\$2,220) is deferred

contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on December 14, 2007, the Respondent came into compliance by obtaining a permit amendment to increase the allowable emission level for nitrogen oxide ("NOx") and carbon monoxide ("CO") for TCEQ Air Permit No. 3126A.
10. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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, the Respondent is alleged to have failed to operate the PP Flare (EPN 3-209) within the NOx and CO permitted limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), TCEQ Air Permit No. 3126A, General Condition No. 8 and Special Condition No. 1, Federal Operating Permit O-02314, Special Condition No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 12, 2007. Specifically, the PP Flare (EPN 3-209) was permitted for 5.33 tons per year ("tpy") of NOx and 38.47 tpy of CO, however, the NOx emissions released from the PP Flare were 14.10 tpy in 2005, and 10.63 tpy in 2006 and the CO emissions were 52.41 tpy in 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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. 2008-0070-AIR-E " to:

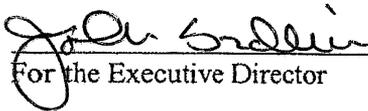
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

6/2/2008
Date

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

03/28/2008
Date

Calvin E. Greene

Name (Printed or typed)
Authorized Representative of
Sunoco, Inc. (R&M)

Environmental Superintendent
Title

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.

