

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2009-0844-AIR-E **TCEQ ID:** RN100214626 **CASE NO.:** 37694  
**RESPONDENT NAME:** Sunoco Partners Marketing & Terminals L.P.

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Sunoco Partners Nederland Terminal, 2200 North Highway 347, Nederland, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Crude oil storage and transfer plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 16, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Justin Minter, Environmental Project Specialist, Sunoco Partners Marketing &amp; Terminals L.P., 2200 North Highway 347, Nederland, Texas 77627  Ms. Ann M. Justice, Terminal Manager, Sunoco Partners Marketing &amp; Terminals L.P., 2200 North Highway 347, Nederland, Texas 77627  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 2, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 8, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failure to inspect secondary seals on external floating roof Tanks 1540 and 1548 every six months. Specifically, Tank 1548 was inspected on October 19, 2007 and then again on May 30, 2008 and Tank 1540 was inspected on October 22, 2007 and then again on May 31, 2008 [30 TEX. ADMIN. CODE §§ 115.114(a)(4) and 122.143(4), Federal Operating Permit ("FOP") No. O1573, General Terms and Conditions ("GTC") and Special Condition ("SC") No. 1A, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to maintain vacuum breaker vents in a closed position on external floating roof storage tanks. Specifically, Tank 1544 had eight open vacuum breakers, an open pontoon cover and crude oil on the roof around the vacuum breaker; Tank 1555 had one open vacuum breaker [30 TEX. ADMIN. CODE §§ 115.112(a)(2)(B) and 122.143(4), FOP No. O1573, GTC and SC No. 1A, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to report deviations and accurately certify the annual compliance certification. Specifically, five deviations were not reported for the semi-annual periods between August 26, 2007 to February 25, 2008 and February 26, 2008 to August 25, 2008, and the annual certification for that year did not indicate the correct number of times deviations occurred [30 TEX. ADMIN. CODE</p>	<p><b>Total Assessed:</b> \$50,125</p> <p><b>Total Deferred:</b> \$10,025  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$20,050</p> <p><b>Total Paid to General Revenue:</b> \$20,050</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On April 9, 2009, a tank seal procedure was instituted and on May 17, 2009 the tank seal inspections for Tanks 1540 and 1548 were completed;</p> <p>b. On March 3, 2009, the vacuum breaker vents were closed, and on April 8, 2009 a visual inspection schedule to inspect the vacuum breaker vents on a monthly basis was implemented;</p> <p>c. On April 9, 2009, a training program was completed to ensure that all deviations are correctly reported to the agency in a timely manner;</p> <p>d. On March 10, 2009, the gasoline throughput reports for 2007 and 2008 were submitted to the agency;</p> <p>e. On April 9, 2009, a procedure was implemented to ensure that daily observations of the flare are conducted and recorded;</p> <p>f. On May 6, 2009, a procedure was implemented to ensure that quarterly opacity observations of stationary vents are conducted and recorded; and</p> <p>g. On April 8, 2009, a training program was implemented to ensure that third-party vendors meet the stack testing requirements prior to commencement of work.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, ensure that all</p>

§§ 122.143(4), 122.145(2)(A) and 122.146(5)(C)(v), FOP No. O1573, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4) Failure to submit the monthly gasoline throughput for 2007 and 2008, by January 31, 2008 and January 31, 2009 respectively. The required information was submitted on March 10, 2009 [30 TEX. ADMIN. CODE §§ 115.247(2) and 122.143(4), FOP No. O1573, GTC and SC No. 4D, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failure to record 98 percent of the daily observations of the flare. Specifically, it was documented that in 2008 the flare operated for 270 days, of which 90 flare observation records were not recorded [30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii) and 122.143(4), FOP No. O1573, GTC and SC No. 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failure to perform quarterly opacity observations of all stationary vents. Specifically, the Respondent has not been conducting quarterly opacity observations of stationary vents from boilers and emergency diesel engines since August 12, 2005, with the first quarterly observation due November 12, 2005 [30 TEX. ADMIN. CODE § 122.143(4), FOP No. O1573, GTC and SC No. 3B(iv)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failure to stack test a portable thermal oxidizer within the past 12 months of a degassing event. Specifically, Tank 1556 was degassed on January 17 to 19, 2009, using a thermal oxidizer (Envent-Tesoro 4500) that was last tested on August 25, 2005 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1573, SC No. 11, Air Permit No. 1980, Special Condition No. 10A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8) Failure to seal open-ended lines with a cap, plug or a blind flange. Specifically, a total of 28 valves with open-ended lines were observed to be leaking [30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O1573, SC No. 11, Air Permit No. 5415, SC No. 5E, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

applicable components are covered by a Leak Detection and Repair Program and all open ended lines are repaired or replaced in a timely manner; and

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 Provision No. 2.a.



Attachment A  
Docket Number: 2009-0844-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Sunoco Partners Marketing &amp; Terminals L.P.</b>
<b>Payable Penalty Amount:</b>	<b>Forty Thousand One Hundred Dollars (\$40,100)</b>
<b>SEP Amount:</b>	<b>Twenty Thousand Fifty Dollars (\$20,050)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")- Clean School Buses</b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 106 – Southern Louisiana-Southeast Texas</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO<sub>x</sub>) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.



Sunoco Partners Marketing & Terminals L.P.  
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	11-May-2009			
	PCW	22-Jun-2009	Screening	21-May-2009	EPA Due 2-Feb-2010

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

<b>CASE INFORMATION</b>					
Enf./Case ID No.	37694	No. of Violations	8		
Docket No.	2009-0844-AIR-E	Order Type	1660		
Media Program(s)	Air	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Nadia Hameed		
		EC's Team	Enforcement Team 5		
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$30,000</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	89.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> <b>\$26,700</b>

Notes: Penalty enhancement due to two 1660 agreed orders with denial of liability, four same or similar NOV's, and 16 non-similar NOV's. Penalty reduction for one Notice of Audit and one Disclosure of Violation.

Culpability	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$6,575</b>
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<b>Economic Benefit</b>	0.0% Enhancement	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts \$620  
Approx. Cost of Compliance \$8,500  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$50,125</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$50,125**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$50,125</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$10,025</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$40,100</b>
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**Screening Date:** 21-May-2009

**Docket No.:** 2009-0844-AIR-E

**PCW**

**Respondent:** Sunoco Partners Marketing & Terminals L.P.

Policy Revision 2 (September 2002)

**Case ID No.:** 37694

PCW Revision October 30, 2008

**Reg. Ent. Reference No.:** RN100214626

**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 NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	4	20%
	Other written NOV's	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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)	1	-2%
<i>Please Enter Yes or No</i>			
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)** 89%

>> **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 two 1660 agreed orders with denial of liability, four same or similar NOV's, and 16 non-similar NOV's. Penalty reduction for one Notice of Audit and one Disclosure of Violation.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 89%

<b>Screening Date:</b> 21-May-2009	<b>Docket No.:</b> 2009-0844-AIR-E	<b>PCW</b>			
<b>Respondent:</b> Sunoco Partners Marketing & Terminals L.P.	<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.:</b> 37694	<i>PCW Revision October 30, 2008</i>				
<b>Reg. Ent. Reference No.:</b> RN100214626					
<b>Media [Statute]:</b> Air					
<b>Enf. Coordinator:</b> Nadia Hameed					
<b>Violation Number:</b> 1					
<b>Rule Cite(s):</b>	30 Tex. Admin. Code §§ 115.114(a)(4) and 122.143(4), Federal Operating Permit ("FOP") No. O1573, General Terms and Conditions ("GTC") and Special Condition ("SC") No. 1A, and Tex. Health & Safety Code § 382.085(b).				
<b>Violation Description:</b>	Failed to inspect secondary seals on external floating roof Tanks 1540 and 1548 every six months. Specifically, Tank 1548 was inspected on October 19, 2007 and then again on May 30, 2008 and Tank 1540 was inspected on October 22, 2007 and then again on May 31, 2008.				
<b>Base Penalty</b>	\$10,000				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	Major	Moderate	Minor		
	Actual	Potential	X	<b>Percent</b> 10%	
<b>&gt;&gt; Programmatic Matrix</b>					
	Major	Moderate	Minor	<b>Percent</b> 0%	
<b>Matrix Notes</b>	Human health or the environment had the potential to be exposed to insignificant amounts of pollutants which were not likely to exceed levels that are protective of human health or environmental receptors as a result of the violation.				
<b>Adjustment</b>	\$9,000				
<b>\$1,000</b>					
<b>Violation Events</b>					
<b>Number of Violation Events</b>	2	.44	<b>Number of violation days</b>		
<i>mark only one with an x</i>	daily	weekly	monthly	<b>Violation Base Penalty</b> \$2,000	
	quarterly	semiannual	annual		
	single event	X			
	Two single events are recommended for the two inspections not completed on time (one for each tank).				
	<b>Good Faith Efforts to Comply</b> 10.0% Reduction \$200				
		Before NOV	NOV to EDPRP/Settlement Offer		
	Extraordinary		X		
Ordinary		(mark with x)			
N/A					
<b>Notes</b>	The Respondent completed the corrective actions on May 17, 2009, after the May 8, 2009 NOE.				
<b>Violation Subtotal</b>	\$1,800				
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>	\$67	<b>Violation Final Penalty Total</b>	\$3,580		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$3,580		

## Economic Benefit Worksheet

**Respondent:** Sunoco Partners Marketing & Terminals L.P.  
**Case ID No.:** 37694  
**Reg. Ent. Reference No.:** RN100214626  
**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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	16-Apr-2008	9-Apr-2009	0.98	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	16-Apr-2008	17-May-2009	1.08	\$54	n/a	\$54

**Notes for DELAYED costs:** Estimated cost for implementing the Tank Seal Inspection Procedure (completed April 9, 2009) and inspecting seals (completed on May 17, 2009). The date required is based on six months after the previous inspection. The final date is the date the procedure was put in place and the tank seals were inspected.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs:**

Approx. Cost of Compliance	\$1,250	<b>TOTAL</b>	\$67
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<b>Screening Date:</b> 21-May-2009		<b>Docket No.:</b> 2009-0844-AIR-E		<b>PCW</b>	
<b>Respondent:</b> Sunoco Partners Marketing & Terminals L.P.		<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.:</b> 37694		<small>PCW Revision October 30, 2008</small>			
<b>Reg. Ent. Reference No.:</b> RN100214626					
<b>Media [Statute]:</b> Air					
<b>Enf. Coordinator:</b> Nadia Hameed					
<b>Violation Number:</b>	2				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 115.112(a)(2)(B) and 122.143(4), FOP No. 01573, GTC and SC No. 1A, and Tex. Health & Safety Code § 382.085(b)				
<b>Violation Description</b>	Failed to maintain vacuum breaker vents in a closed position on external floating roof storage tanks. Specifically, Tank 1544 had eight open vacuum breakers, an open pontoon cover and crude oil on the roof around the vacuum breaker; Tank 1555 had one open vacuum breaker.				
<b>Base Penalty</b>				\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<b>Actual</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<b>Potential</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<b>Percent</b> <input type="text" value="25%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="0%"/>	
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
<b>Adjustment</b>				\$7,500	
				\$2,500	
<b>Violation Events</b>					
<b>Number of Violation Events</b> <input type="text" value="1"/>		<b>Number of violation days</b> <input type="text" value="36"/>			
<small>mark only one with an x</small>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input checked="" type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input type="checkbox"/>			
				<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>	
One quarterly event is recommended based on the March 3, 2009 investigation date to April 8, 2009 when the corrective actions were completed.					
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/>	<b>Reduction</b>		
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>		
Extraordinary	<input type="checkbox"/>				
Ordinary	<input checked="" type="checkbox"/>				
N/A	<input type="checkbox"/> (mark with x)				
<b>Notes</b>	The Respondent completed the corrective actions on April 8, 2009, prior to the May 8, 2009 NOE.				
<b>Violation Subtotal</b>				\$1,875	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b> <input type="text" value="\$2"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$4,100"/>			
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$4,100	

## Economic Benefit Worksheet

**Respondent:** Sunoco Partners Marketing & Terminals L.P.  
**Case ID No.:** 37694  
**Reg. Ent. Reference No.:** RN100214826  
**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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	3-Mar-2009	8-Apr-2009	0.10	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for adding and implementing a visual inspection of vacuum breaker vents to the monthly tank inspection form (vacuum breaker vents were closed on March 3, 2009 and visual inspection schedule implemented on April 8, 2009). The date required is based on the investigation date. The final date is the date the corrective actions were completed.

### Avoided Costs

ANNUALIZE {1} avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance {2}				0.00	\$0	\$0	\$0
ONE-TIME avoided costs {3}				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$2

<b>Screening Date:</b> 21-May-2009		<b>Docket No.:</b> 2009-0844-AIR-E		<b>PCW</b>	
<b>Respondent:</b> Sunoco Partners Marketing & Terminals L.P.				<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.:</b> 37894				<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.:</b> RN100214626					
<b>Media [Statute]:</b> Air					
<b>Enf. Coordinator:</b> Nadia Hameed					
<b>Violation Number:</b> 3					
<b>Rule Cite(s):</b> 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A) and 122.146(5)(C)(v), FOP No. O1573, GTC, and Tex. Health & Safety Code § 382.085(b)					
<b>Violation Description:</b> Failed to report deviations and accurately certify the annual compliance certification. Specifically, five deviations were not reported for the semi-annual periods between August 26, 2007 to February 25, 2008 and February 26, 2008 to August 25, 2008, and the annual certification for that year did not indicate the correct number of times deviations occurred.					
<b>Base Penalty</b>				\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="10%"/>	
<b>Matrix Notes</b>		Less than 50 percent of the rule requirement was not met.			
<b>Adjustment</b>				\$9,000	
				<b>\$1,000</b>	
<b>Violation Events</b>					
<b>Number of Violation Events</b> <input type="text" value="2"/>		<b>Number of violation days</b> <input type="text" value="379"/>			
<i>mark only one with an x</i>	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="checkbox"/>			
				<b>Violation Base Penalty</b> <input type="text" value="\$2,000"/>	
Two single events are recommended for two incomplete reports.					
<b>Good Faith Efforts to Comply</b>		<b>25.0% Reduction</b>		<b>\$500</b>	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary		<input type="text"/>			
Ordinary		<input checked="" type="checkbox"/>			
N/A		(mark with x)			
<b>Notes</b>		The Respondent completed the corrective actions on April 9, 2009, prior to the May 8, 2009 NOE.			
<b>Violation Subtotal</b>				<b>\$1,500</b>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b> <input type="text" value="\$52"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$3,280"/>			
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<b>\$3,280</b>	

### Economic Benefit Worksheet

**Respondent:** Sunoco Partners Marketing & Terminals L.P.  
**Case ID No.:** 37694  
**Reg. Ent. Reference No.:** RN100214626  
**Media:** Air  
**Violation No.:** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	26-Mar-2008	9-Apr-2009	1.04	\$52	n/a	\$52
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost for implementing a training program to ensure that all deviations are correctly reported in a timely manner. The date required is based on the due date of the first report. The final date is the date the corrective actions were completed.

**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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$1,000	<b>TOTAL</b>	\$52
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<b>Screening Date:</b> 21-May-2009		<b>Docket No.:</b> 2009-0844-AIR-E		<b>PCW</b>	
<b>Respondent:</b> Sunoco Partners Marketing & Terminals L.P.			Policy Revision 2 (September 2002)		
<b>Case ID No.:</b> 37694			PCW Revision October 30, 2008		
<b>Reg. Ent. Reference No.:</b> RN100214626					
<b>Media [Statute]:</b> Air					
<b>Enf. Coordinator:</b> Nadia Hameed					
<b>Violation Number:</b>		4			
<b>Rule Cite(s)</b>		30 Tex. Admin. Code §§ 116.247(2) and 122.143(4), FOP No. 01573, GTC and SC No. 4D, and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>		Failed to submit the monthly gasoline throughput for 2007 and 2008, by January 31, 2008 and January 31, 2009, respectively. The required information was submitted on March 10, 2009.			
<b>Base Penalty</b>				\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<b>Percent</b> <input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="25%"/>	
<b>Matrix Notes</b>		100 percent of the rule-requirement was not met.			
<b>Adjustment</b>				\$7,500	
				\$2,500	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text" value="2"/>	<input type="text" value="404"/>	<b>Number of violation days</b>	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		<b>Violation Base Penalty</b> <input type="text" value="\$5,000"/>	
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
single event	<input checked="" type="checkbox"/>				
Two single events are recommended for two late reports.					
<b>Good Faith Efforts to Comply</b>		<b>25.0% Reduction</b>		<input type="text" value="\$1,250"/>	
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
<b>Extraordinary</b>		<input type="checkbox"/>			
<b>Ordinary</b>		<input checked="" type="checkbox"/>			
<b>N/A</b>		<input type="checkbox"/>		<small>(mark with x)</small>	
<b>Notes</b>		The Respondent completed the corrective actions on March 10, 2009, prior to the May 8, 2009 NOE.			
<b>Violation Subtotal</b>				<input type="text" value="\$3,750"/>	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$14"/>	<b>Violation Final Penalty Total</b>		<input type="text" value="\$8,200"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$8,200"/>	

## Economic Benefit Worksheet

**Respondent:** Sunoco Partners Marketing & Terminals L.P.  
**Case ID No.:** 37694  
**Reg. Ent. Reference No.:** RN100214626  
**Media:** Air  
**Violation No.:** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description</b> No commas or \$						

### Delayed Costs

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$250	31-Jan-2008	10-Mar-2009	1.11	\$14	n/a

Notes for DELAYED costs

Estimated cost for submitting the reports. The date required is based on the due date of the first report. The final date is the date the corrective actions were completed.

### Avoided Costs

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

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$14

<b>Screening Date:</b> 21-May-2009		<b>Docket No.:</b> 2009-0844-AIR-E		<b>PCW</b>
<b>Respondent:</b> Sunoco Partners Marketing & Terminals L.P.				<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.:</b> 37694				<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.:</b> RN100214626				
<b>Media [Statute]:</b> Air				
<b>Enf. Coordinator:</b> Nadia Hameed				
<b>Violation Number:</b>		<input type="text" value="5"/>		
<b>Rule Cite(s):</b>		30 Tex. Admin. Code §§ 111.111(a)(4)(A)(ii) and 122.143(4); FOP No. 01573, GTC and SC No. 1A, and Tex. Health & Safety Code § 382.085(b)		
<b>Violation Description:</b>		Failed to record 98 percent of the daily observations of the flare. Specifically, it was documented that in 2008 the flare operated for 270 days, of which 90 flare observation records were not recorded.		
<b>Base Penalty:</b>				<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
		Major	Moderate	Minor
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	x	<input type="text"/>
				<b>Percent</b> <input type="text" value="10%"/>
<b>Matrix Notes</b>	<input type="text" value="Less than 35 percent of the rule requirement was not met."/>			
<b>Adjustment:</b>				<input type="text" value="\$9,000"/>
				<input type="text" value="\$1,000"/>
<b>Violation Events</b>				
<b>Number of Violation Events:</b>		<input type="text" value="1"/>	<b>Number of violation days:</b> <input type="text" value="90"/>	
<i>mark only one with an x</i>	<b>daily</b>	<input type="text"/>		
	<b>weekly</b>	<input type="text"/>		
	<b>monthly</b>	<input type="text"/>		
	<b>quarterly</b>	<input type="text"/>		
	<b>semiannual</b>	<input type="text"/>		
	<b>annual</b>	<input type="text"/>		
	<b>single event</b>	<input checked="" type="checkbox"/>		
				<b>Violation Base Penalty:</b> <input type="text" value="\$1,000"/>
<input type="text" value="One single event is recommended for the incomplete flare log as documented on the March 2, 2009 investigation."/>				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/>	<b>Reduction</b>	<input type="text" value="\$250"/>
		<small>Before NOV      NOV to EDPRP/Settlement Offer</small>		
<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>		
<b>Ordinary</b>	x	<input type="text"/>		
<b>N/A</b>	<input type="text"/>	<small>(mark with x)</small>		
<b>Notes</b>	<input type="text" value="The Respondent completed the corrective actions on April 9, 2009, prior to the May 8, 2009 NOE."/>			
<b>Violation Subtotal:</b>				<input type="text" value="\$750"/>
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount:</b>		<input type="text" value="\$64"/>	<b>Violation Final Penalty Total:</b> <input type="text" value="\$1,640"/>	
<b>This violation Final Assessed Penalty (adjusted for limits):</b>				<input type="text" value="\$1,640"/>

## Economic Benefit Worksheet

**Respondent:** Sunoco Partners Marketing & Terminals L.P.  
**Case ID No.:** 37694  
**Reg. Ent. Reference No.:** RN100214626  
**Media:** Air  
**Violation No.:** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	1-Jan-2008	9-Apr-2009	1.27	\$64	n/a	\$64
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs:** Estimated cost for implementing a procedure for the daily observation of the flare. The date required is based on the date of the non-compliance. The final date is the date the corrective actions were completed.

**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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs:**

Approx. Cost of Compliance	\$1,000	<b>TOTAL</b>	\$64
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<b>Screening Date</b> 21-May-2009		<b>Docket No.</b> 2009-0844-AIR-E		<b>PCW</b>	
<b>Respondent</b> Sunoco Partners Marketing & Terminals L.P.		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 37694		<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN100214626					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Nadia Hameed					
<b>Violation Number</b>		<input type="text" value="8"/>			
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 122.143(4), FOP No. 01573, GTC and SC No. 3B(lv)(1), and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>		Failed to perform quarterly opacity observations of all stationary vents. Specifically, the Respondent has not been conducting quarterly opacity observations of stationary vents from boilers and emergency diesel engines since August 12, 2005, with the first quarterly observation due November 12, 2005.			
<b>Base Penalty</b>				<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
<b>Percent</b>				<input type="text" value="10%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Percent</b>				<input type="text" value="0%"/>	
<b>Matrix Notes</b>		Human health or the environment had the potential to be exposed to insignificant amounts of pollutants which were not likely to exceed levels that are protective of human health or environmental receptors as a result of the violation.			
<b>Adjustment</b>				<input type="text" value="\$9,000"/>	
				<input type="text" value="\$1,000"/>	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text" value="14"/>	<input type="text" value="1273"/> <b>Number of violation days</b>		
<i>mark only one with an x</i>	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="checkbox"/>			
<b>Violation Base Penalty</b>				<input type="text" value="\$14,000"/>	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">                 Fourteen single events are recommended, from November 12, 2005 when the first quarterly observation was due, to May 6, 2009 when corrective actions were completed.             </div>					
<b>Good Faith Efforts to Comply</b>		<b>25.0% Reduction</b>		<input type="text" value="\$3,500"/>	
		Before NOV	NOV to EDPRP/Settlement Offer		
<b>Extraordinary</b>		<input type="text"/>			
<b>Ordinary</b>		<input checked="" type="checkbox"/>			
<b>N/A</b>		<input type="text"/> (mark with x)			
<b>Notes</b>		The Respondent completed the corrective actions on May 6, 2009, prior to the May 8, 2009 NOE.			
<b>Violation Subtotal</b>				<input type="text" value="\$10,500"/>	
<b>Economic Benefit (EB) for this violation</b>					
<b>Statutory Limit Test</b>					
<b>Estimated EB Amount</b>		<input type="text" value="\$348"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$22,960"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$22,960"/>	

### Economic Benefit Worksheet

**Respondent:** Sunoco Partners Marketing & Terminals L.P.  
**Case ID No.:** 37694  
**Reg. Ent. Reference No.:** RN100214626  
**Media:** Air  
**Violation No.:** 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	12-Nov-2005	6-May-2009	3.48	\$348	n/a	\$348

**Notes for DELAYED costs:** Estimated cost for implementing a procedure for the quarterly visible emissions observation of the stationary vents. The date required is based on the due date of the first quarterly observation. The final date is the date the corrective actions were completed.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs:**

Approx. Cost of Compliance TOTAL

\$2,000

\$348

<b>Screening Date:</b> 21-May-2009	<b>Docket No.:</b> 2009-0844-AIR-E	<b>PCW</b>		
<b>Respondent:</b> Sunoco Partners Marketing & Terminals L.P.	Policy Revision 2 (September 2002)			
<b>Case ID No.:</b> 37694	PCW Revision October 30, 2008			
<b>Reg. Ent. Reference No.:</b> RN100214626				
<b>Media [Statute]:</b> Air				
<b>Enf. Coordinator:</b> Nadia Hameed				
<b>Violation Number:</b> 7				
<b>Rule Cite(s):</b>	30 Tex. Admin. Code §§ 116.116(c) and 122.143(4), FOP No. 01573; SC No. 11, Air Permit No. 1980, SC No. 10A and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description:</b>	Failed to stack test a portable thermal oxidizer within the past 12 months of a degassing event. Specifically, Tank 1556 was degassed on January 17 to 19, 2009, using a thermal oxidizer (Envent-Tesoro 4500) that was last tested on August 25, 2005.			
<b>Base Penalty:</b>		\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	Harm			
	Release	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<b>Percent:</b> 10%
<b>&gt;&gt; Programmatic Matrix</b>				
			Harm	
			Major	Minor
Falsification			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent:</b> 0%
<b>Matrix Notes</b>	Human health or the environment had the potential to be exposed to insignificant amounts of pollutants which were not likely to exceed levels that are protective of human health or environmental receptors as a result of the violation.			
<b>Adjustment:</b>				\$9,000
				\$1,000
<b>Violation Events</b>				
		<input type="checkbox"/> 1	<input type="checkbox"/> 3	Number of violation days
mark only one with an x	daily	<input type="checkbox"/>	<input type="checkbox"/>	<b>Violation Base Penalty:</b> \$1,000
	weekly	<input type="checkbox"/>	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
One single event is recommended as documented during the investigation on March 2, 2009.				
<b>Good Faith Efforts to Comply</b>		<b>25.0% Reduction</b>		<b>\$250</b>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	(mark with x)			
<b>Notes</b>	The Respondent completed the corrective actions on April 8, 2009, prior to the May 8, 2009 NOE.			
<b>Violation Subtotal:</b>				\$750
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount:</b>		<b>Violation Final Penalty Total:</b>		\$1,640
\$6		\$1,640		
<b>This violation Final Assessed Penalty (adjusted for limits):</b>				\$1,640

## Economic Benefit Worksheet

**Respondent:** Sunoco Partners Marketing & Terminals L.P.  
**Case ID No.:** 37694  
**Reg. Ent. Reference No.:** RN100214626  
**Media:** Air  
**Violation No.:** 7

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description</b> No commas or \$.						

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	17-Jan-2009	8-Apr-2009	0.22	\$6	n/a	\$6

**Notes for DELAYED costs**  
 Estimated cost for implementing a training program to ensure that third party vendors meet the stack testing requirements prior to commencement of work. The date required is based on the date of the non-compliance. The final date is the date the corrective actions were completed.

### 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$500 **TOTAL** \$6

<b>Screening Date:</b> 21-May-2009		<b>Docket No.:</b> 2009-0844-AIR-E		<b>PCW</b>
<b>Respondent:</b> Sunoco Partners Marketing & Terminals L.P.				<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.:</b> 37694				<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.:</b> RN100214626				
<b>Media [Statute]:</b> Air				
<b>Enf. Coordinator:</b> Nadia Hameed				
<b>Violation Number</b>	8			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. 01573, SC No. 11, Air Permit No. 5415, SC No. 5E and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to seal open-ended lines with a cap, plug or a blind flange. Specifically, a total of 28 valves with open-ended lines were observed to be leaking during the March 2, 2009 investigation.			
<b>Base Penalty</b>				\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Percent</b>				25%
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>		<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Percent</b>				0%
<b>Matrix Notes</b>	Estimated emissions of 27.41 pounds of volatile organic compounds ("VOCs") were calculated utilizing the Uncontrolled Petroleum Marketing/Refinery Fugitive Emission Factors in the "Air Permits Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication. Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
<b>Adjustment</b>				\$7,500
				\$2,500
<b>Violation Events</b>				
		1	80	Number of violation days
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
<b>Violation Base Penalty</b>				\$2,500
One quarterly event is recommended based on the March 2, 2009 investigation date, to the May 21, 2009 screening date.				
<b>Good Faith Efforts to Comply</b>		0.0%	Reduction	\$0
		Before NOV	NOV to EDPR/Settlement Offer	
Extraordinary	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$2,500
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$68	<b>Violation Final Penalty Total</b>	
			\$4,725	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$4,725

## Economic Benefit Worksheet

**Respondent:** Sunoco Partners Marketing & Terminals L.P.  
**Case ID No.:** 37694  
**Reg. Ent. Reference No.:** RN100214626  
**Media:** Air  
**Violation No.:** 8

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description</b> No commas or \$						

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	2-Mar-2009	4-Nov-2009	0.68	\$68	n/a	\$68

Notes for DELAYED costs

Estimated cost for labor and equipment to seal open ended lines. The date required is based on the date of investigation. The final date is the date the corrective actions are expected to be completed.

### 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,000	<b>TOTAL</b>	\$68
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# Compliance History Report

Customer/Respondent/Owner-Operator: CN601403199 Sunoco Partners Marketing & Terminals L.P. Classification: AVERAGE Rating: 4.25  
 Regulated Entity: RN100214626 SUNOCO PARTNERS NEDERLAND TERMINAL Classification: AVERAGE Site Rating: 10.49

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0091L
	AIR OPERATING PERMITS	PERMIT	1573
	AIR NEW SOURCE PERMITS	AFS NUM	4824500057
	AIR NEW SOURCE PERMITS	PERMIT	1980
	AIR NEW SOURCE PERMITS	PERMIT	4277
	AIR NEW SOURCE PERMITS	PERMIT	4338
	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	22428
	AIR NEW SOURCE PERMITS	PERMIT	46035
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0091L
	AIR NEW SOURCE PERMITS	REGISTRATION	56505
	AIR NEW SOURCE PERMITS	PERMIT	56508
	AIR NEW SOURCE PERMITS	REGISTRATION	84378
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD045196565
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	32500
	WATER LICENSING	LICENSE	1230065
	WASTEWATER	PERMIT	TPDES0005746
	WASTEWATER	PERMIT	TX0005746
	WASTEWATER	PERMIT	WQ0001151000

Location: 2200 N HIGHWAY 347, NEDERLAND, TX, 77627

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: May 18, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 18, 2004 to May 18, 2009

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

**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 11 open-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

Effective Date: 08/10/2007

ADMINORDER 2006-0942-MLM-E

Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: 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

Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: 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.

Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)

Description: Failed to put the state transporter's identification and phone numbers on Manifest No. 3372217

Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)

Description: 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

Classification: Major  
Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)

Description: 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

Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OpR 1 PERMIT

Description: 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. The oil and water separator and grit tank were observed to be severely corroded. The grit tank was leaking

Classification: Moderate  
Citation: TWC Chapter 26 26.121(c)

Rqmt Prov: PC2g PERMIT

Description: Failure to prevent discharge of industrial wastes to a stormwater outfall.

Classification: Moderate  
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: EL&MR 1 PERMIT

Description: Failed to collect effluent samples from stormwater outfalls 002, 003, and 004 at the frequency required by the permit

Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OR 6 PERMIT

Description: Failed to prevent the introduction of a waste not authorized by permit into the wastewater treatment facility. 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).

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Description: Failed to conduct a hazardous waste determination and waste classification for spent naphtha generated in the parts washer bin,

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	06/14/2004	(295389)
2	07/12/2004	(352115)
3	08/16/2004	(352116)
4	08/26/2004	(288077)
5	09/13/2004	(352117)
6	10/11/2004	(352118)
7	11/10/2004	(381855)
8	11/19/2004	(337634)
9	12/16/2004	(381856)
10	01/13/2005	(381857)
11	02/10/2005	(430030)
12	03/16/2005	(381854)
13	04/20/2005	(430031)
14	05/06/2005	(430032)
15	05/20/2005	(375445)
16	06/08/2005	(430033)
17	06/30/2005	(395645)
18	07/20/2005	(440821)
19	08/15/2005	(440822)
20	09/15/2005	(440823)
21	10/21/2005	(468409)
22	11/16/2005	(468410)
23	12/05/2005	(437677)
24	12/12/2005	(468411)
25	01/12/2006	(468413)
26	02/17/2006	(468407)
27	03/20/2006	(468408)
28	04/20/2006	(498177)
29	04/21/2006	(458339)
30	05/01/2006	(458210)
31	05/22/2006	(498178)
32	05/30/2006	(462574)
33	05/30/2006	(463018)
34	07/12/2006	(520183)
35	07/13/2006	(482099)
36	08/10/2006	(689947)
37	08/18/2006	(520184)
38	08/25/2006	(510119)
39	09/29/2006	(520185)
40	10/27/2006	(520187)
41	10/30/2006	(520186)
42	12/19/2006	(544475)
43	01/19/2007	(544476)
44	02/13/2007	(534601)

45 02/19/2007 (544474)  
 46 03/16/2007 (575265)  
 47 04/20/2007 (575266)  
 48 05/18/2007 (575267)  
 49 06/19/2007 (575268)  
 50 06/25/2007 (558799)  
 51 07/20/2007 (575269)  
 52 07/23/2007 (562373)  
 53 08/20/2007 (601604)  
 54 09/20/2007 (601605)  
 55 09/28/2007 (572537)  
 56 10/19/2007 (601606)  
 57 11/19/2007 (619509)  
 58 12/14/2007 (598725)  
 59 12/20/2007 (619510)  
 60 01/18/2008 (619511)  
 61 02/19/2008 (612207)  
 62 02/19/2008 (672025)  
 63 03/12/2008 (672026)  
 64 04/11/2008 (672027)  
 65 04/28/2008 (596874)  
 66 05/20/2008 (689945)  
 67 06/17/2008 (689946)  
 68 07/14/2008 (689948)  
 69 07/22/2008 (687196)  
 70 07/24/2008 (686097)  
 71 08/18/2008 (710726)  
 72 09/22/2008 (710727)  
 73 10/07/2008 (684395)  
 74 10/16/2008 (710728)  
 75 11/20/2008 (727477)  
 76 12/19/2008 (727478)  
 77 01/15/2009 (722851)  
 78 01/19/2009 (727479)  
 79 05/08/2009 (738395)

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

Date: 03/31/2005 (430031) CN601403199  
 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: 04/30/2005 (430032) CN601403199  
 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: 05/23/2005 (375445) CN601403199  
 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: 05/01/2006 (458210) CN601403199  
 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)  
Permit O-1573 Special Condition 12 OP  
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)  
Permit O-1573 Special Condition 12 OP

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)  
Permit O-1573 Special Condition 12 OP

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: 06/30/2006 (689947) CN601403199

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/25/2006 (510119) CN601403199

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Self-reporting Requirements PERMIT

Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

Date: 10/31/2006 (520187) CN601403199

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: 01/31/2007 (544474) CN601403199

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: 02/14/2007 (534601) CN601403199

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01573, General Terms and Conditions OP

Description: Failure to report deviations in semiannual deviation reports.

Date: 10/31/2007 (619509) CN601403199

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 12/31/2007 (619511) **CN601403199**  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 01/31/2008 (672025) **CN601403199**  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 02/29/2008 (672026) **CN601403199**  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 03/31/2008 (672027) **CN601403199**  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
**Description:** Failure to meet the limit for one or more permit parameter

**Date:** 04/29/2008 (596874) **CN601403199**  
**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 THSC Chapter 382 382.085(b)  
 O-01573, General Terms and Conditions OP  
**Description:** Failure to submit a semi-annual deviation report no later than thirty (30) days after the reporting period.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01573, General Terms and Conditions OP  
 O-01573, Special Condition 1A OP  
**Description:** Failure to repair items or empty and degas four (4) external floating roof storage tanks within sixty (60) days.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter F 101.221(a)  
 30 TAC Chapter 106, SubChapter X 106.532(1)(N)  
 30 TAC Chapter 115, SubChapter B 115.131(a)  
 30 TAC Chapter 115, SubChapter B 115.132(a)(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01573, Special Condition 11 OP  
 O-01573, Special Condition 1A OP  
**Description:** Failure to properly control Volatile Organic Compounds (VOCs) with a vapor recovery system.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 56508, Special Condition 13H PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-01573, General Terms and Conditions OP  
 O-01573, Special Condition 11A OP  
**Description:** Failure to repair valves within 15 days after the discovery of leaks.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01573, General Terms and Conditions OP  
O-01573, Special Condition 1A OP

Description: Failure to maintain a vacuum breaker vent on Tank 1541 (an external floating roof storage vessel) closed at all times.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
O-01573, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
5C THSC Chapter 382 382.085(b)  
O-01573, General Terms and Conditions OP

Description: Failure to accurately certify compliance in the Annual Compliance Certification (ACC).

Date: 06/30/2008 (689948) CN601403199

Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/24/2008 (686097) CN601403199

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
30 TAC Chapter 319, SubChapter A 319.7(c)  
MRR PERMIT

Description: Failure by Sunoco Logistics Nederland Marine Terminal to properly maintain records of calibration.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
MRR PERMIT

Description: Failure by Sunoco Logistics Nederland Marine Terminal to maintain Discharge Monitoring Reports.

Date: 07/31/2008 (710726) CN601403199

Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2008 (710727) CN601403199

Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2008 (710728) CN601403199

Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

09/15/2006  
(515172)

Notice of Intent Date:

Disclosure Date: 03/14/2007

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to submit accurate EIQs for floating roof landings for the past five years.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211

Description: Failure to notify TCEQ 10 days prior to scheduled maintenance, startup, or shutdown activities that is expected to cause unauthorized emissions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211

Description: Failure to comply with permit representations for operating procedures relating to roof landing emission events.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211

Description: Failure to comply with permit representations for operating procedures relating to emission calculations based on AP-42 emission factors and default tank filling factors.

Viol. Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.211

Description: Failure to comply with permit representations by exceeding Marine Dock Loading emissions for 2006 for Barge Dock C.

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 PARTNERS MARKETING  
& TERMINALS L.P.  
RN100214626**

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§  
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§  
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§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-0844-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 Partners Marketing & Terminals L.P. ("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 crude oil storage and transfer plant at 2200 North Highway 347 in Nederland, Jefferson 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 May 13, 2009.
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 Fifty Thousand One Hundred Twenty-Five Dollars (\$50,125) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Twenty Thousand Fifty Dollars (\$20,050) of the administrative penalty and Ten Thousand Twenty-Five Dollars (\$10,025) 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. Twenty Thousand Fifty Dollars (\$20,050) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 the Respondent has implemented the following corrective measures at the Plant:
  - a. On April 9, 2009, a tank seal procedure was instituted and on May 17, 2009 the tank seal inspections for Tanks 1540 and 1548 were completed;
  - b. On March 3, 2009, the vacuum breaker vents were closed, and on April 8, 2009 a visual inspection schedule to inspect the vacuum breaker vents on a monthly basis was implemented;
  - c. On April 9, 2009, a training program was completed to ensure that all deviations are correctly reported to the agency in a timely manner;
  - d. On March 10, 2009, the gasoline throughput reports for 2007 and 2008 were submitted to the agency;
  - e. On April 9, 2009, a procedure was implemented to ensure that daily observations of the flare are conducted and recorded;
  - f. On May 6, 2009, a procedure was implemented to ensure that quarterly opacity observations of stationary vents are conducted and recorded; and
  - g. On April 8, 2009, a training program was implemented to ensure that third-party vendors meet the stack testing requirements prior to commencement of work.
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:

1. Failed to inspect secondary seals on external floating roof Tanks 1540 and 1548 every six months, in violation of 30 TEX. ADMIN. CODE §§ 115.114(a)(4) and 122.143(4), Federal Operating Permit ("FOP") No. O1573, General Terms and Conditions ("GTC") and Special Condition ("SC") No. 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation beginning on March 2, 2009. Specifically, Tank 1548 was inspected on October 19, 2007 and then again on May 30, 2008 and Tank 1540 was inspected on October 22, 2007 and then again on May 31, 2008.
2. Failed to maintain vacuum breaker vents in a closed position on external floating roof storage tanks, in violation of 30 TEX. ADMIN. CODE §§ 115.112(a)(2)(B) and 122.143(4), FOP No. O1573, GTC and SC No. 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation beginning on March 2, 2009. Specifically, Tank 1544 had eight open vacuum breakers, an open pontoon cover and crude oil on the roof around the vacuum breaker; Tank 1555 had one open vacuum breaker.
3. Failed to report deviations and accurately certify the annual compliance certification, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A) and 122.146(5)(C)(v), FOP No. O1573, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation beginning on March 2, 2009. Specifically, five deviations were not reported for the semi-annual periods between August 26, 2007 to February 25, 2008 and February 26, 2008 to August 25, 2008, and the annual certification for that year did not indicate the correct number of times deviations occurred.
4. Failed to submit the monthly gasoline throughput for 2007 and 2008, by January 31, 2008 and January 31, 2009 respectively, in violation of 30 TEX. ADMIN. CODE §§ 115.247(2) and 122.143(4), FOP No. O1573, GTC and SC No. 4D, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation beginning on March 2, 2009. The required information was submitted on March 10, 2009.
5. Failed to record 98 percent of the daily observations of the flare, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii) and 122.143(4), FOP No. O1573, GTC and SC No. 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation beginning on March 2, 2009. Specifically, it was documented that in 2008 the flare operated for 270 days, of which 90 flare observation records were not recorded.
6. Failed to perform quarterly opacity observations of all stationary vents, in violation of 30 TEX. ADMIN. CODE § 122.143(4), FOP No. O1573, GTC and SC No. 3B(iv)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation beginning on March 2, 2009. Specifically, the Respondent has not been conducting quarterly opacity observations of stationary

vents from boilers and emergency diesel engines since August 12, 2005, with the first quarterly observation due November 12, 2005.

7. Failed to stack test a portable thermal oxidizer within the past 12 months of a degassing event, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O1573, SC No. 11, Air Permit No. 1980, Special Condition No. 10A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation beginning on March 2, 2009. Specifically, Tank 1556 was degassed on January 17 to 19, 2009, using a thermal oxidizer (Envent-Tesoro 4500) that was last tested on August 25, 2005.
8. Failed to seal open-ended lines with a cap, plug or a blind flange, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O1573, SC No. 11, Air Permit No. 5415, SC No. 5E and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation beginning on March 2, 2009. Specifically, a total of 28 valves with open-ended lines were observed to be leaking.

### 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 Partners Marketing & Terminals L.P., Docket No. 2009-0844-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty Thousand Fifty Dollars (\$20,050) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, ensure that all applicable components are covered by a Leak Detection and Repair Program and all open ended lines are repaired or replaced in a timely manner; and
- 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 No. 3.a. 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 fines 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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

4. 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.
5. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent

receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. 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.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. 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

*John S. Sullivan*  
For the Executive Director

10/11/2009  
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.

*Ann M. Justice*  
Signature

9/3/09  
Date

Ann M. Justice  
Name (Printed or typed)  
Authorized Representative of  
Sunoco Partners Marketing & Terminals L.P.

Terminal Manager  
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.



Attachment A  
Docket Number: 2009-0844-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Sunoco Partners Marketing & Terminals L.P.  
**Payable Penalty Amount:** Forty Thousand One Hundred Dollars (\$40,100)  
**SEP Amount:** Twenty Thousand Fifty Dollars (\$20,050)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses  
**Location of SEP:** Texas Air Quality Control Region 106 – Southern Louisiana-Southeast Texas

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO<sub>x</sub>) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

Sunoco Partners Marketing & Terminals L.P.  
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

