

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2009-0188-AIR-E **TCEQ ID:** RN102888328 **CASE NO.:** 37132
RESPONDENT NAME: Sunoco, Inc. (R&M)

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Sunoco R&M LaPorte Plant, 8811 Strang Road, LaPorte, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-0643-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 31, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Calvin Greene, Environmental Superintendent, Sunoco, Inc. (R&M), P.O. Box 1436, LaPorte, Texas 77572-1436 Mr. Bruce D. Rubin, Vice President, Chemicals, Sunoco, Inc. (R&M), P.O. Box 1436, LaPorte, Texas 77572-1436 Respondent's Attorney: Ms. Laura LaValle, Beveridge & Diamond, P.C., 98 San Jacinto Boulevard, Suite 1420, Austin, Texas 78701-4039</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 5, 2009</p> <p>Date of NOV/NOE Relating to this Case: April 23, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to report accurate actual volatile organic compound ("VOC") emissions in the calendar year 2007 annual emissions inventory [30 TEX. ADMIN. CODE §§ 101.10(b)(2) and 122.143(4), Federal Operating Permit ("FOP ") No. O-01424, Special Terms and Conditions No. 2.E, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to maintain records sufficient to demonstrate that the B Line Finishing and Shipping System Emissions Point Number ("EPN") 52 vents comply with the exemption limit [30 TEX. ADMIN. CODE § 115.126(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to comply with recordkeeping requirements applicable to the PSV4013 and PSV4113 continuous process vents in the B Line Finishing and Shipping System (EPN 52) [30 TEX. ADMIN. CODE § 115.726(b), (g)(2), (h)(2), and (i), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to hold a quantity of Highly Reactive Volatile Organic Compounds ("HRVOC") allowances in its HRVOC Emissions Cap and Trade Program compliance account that was equal to or greater than the total HRVOC emissions from the covered facilities located at the Plant during the calendar year 2007 control</p>	<p>Total Assessed: \$154,025</p> <p>Total Deferred: \$30,805 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$123,220</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On January 26, 2009, submitted to the TCEQ a corrected calendar year 2007 annual emissions inventory that contains accurate actual VOC emissions;</p> <p>b. On January 26, 2009, submitted to the TCEQ a revised Form ECT-1H, HRVOC Annual Compliance Report, that contains accurate actual HRVOC emissions from EPN 52 for the 2007 control period;</p> <p>c. By February 27, 2009, created and maintained records sufficient to demonstrate that the B Line Finishing and Shipping System (EPN 52) vents comply with the applicable exemption limit in 30 TEX. ADMIN. CODE § 115.126(3);</p> <p>d. By February 27, 2009, submitted documentation of compliance with the recordkeeping requirements applicable to the PSV4013 and PSV4113 continuous process vents in the B Line Finishing and Shipping System (EPN 52);</p> <p>e. During January 2009, designated the EPN 52 vents as Group 2 vents for purposes of 40 CODE OF FEDERAL REGULATIONS Part 63, Subpart FFFF, and by February 27, 2009, submitted to the TCEQ a notification of compliance status report that reflects the Group 2 vent designations for these vents as required by Subpart FFFF;</p> <p>f. On April 30, 2009, applied to TCEQ to revise FOP No. O-01424 to include missing applicability provisions relating to EPN 52; and</p> <p>g. On June 2, 2009, a quantity of HRVOC allowances was deposited into the Respondent's HRVOC Emissions Cap and Trade Program compliance account that was equal to the HRVOC emissions from the covered facilities during the calendar year 2007 control period.</p>

<p>period [30 TEX. ADMIN. CODE § 101.393(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to comply with the requirement to designate the B Line Finishing and Shipping System (EPN 52) vents as Group 1 or Group 2 vents by May 10, 2008 [40 CODE OF FEDERAL REGULATIONS §§ 63.2455(b), 63.2450(a), 63.2520(a) and (d), 63.2525(a) and (b), 63.4(a)(1), and 63.10(b), 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.890, New Source Review Permit ("NSRP") No. 5572B, Special Condition No. 4, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failure to comply with permitted emissions limit. Specifically, since June 2008, emissions from the B Line Finishing and Shipping System (EPN 52) have been 11.2 pounds per hour ("lb/hr") and 45.2 tons per year (based on a rolling 12-month period) of VOC; and hexane emissions have been 6.2 lbs/hr, whereas the permitted limits are 0.35 lb/hr and 1.56 tons per year for VOC and 0.21 lb/hr for hexane [30 TEX. ADMIN. CODE §§ 116.115(b) and (c) and 122.143(4), NSRP No. 5572B, Special Condition No. 1, FOP No. O-01424, General Terms and Conditions and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failure to include applicability provisions in a FOP. Specifically, the Respondent failed to include four provisions in its FOP No. O-01424 [30 TEX. ADMIN. CODE § 122.132(a) and (e) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, in order to revise NSRP No. 5572B to correct the emissions limits for VOC emissions from EPN 52 and to remove the emissions limit for hexane emissions from EPN 52, and to make any other changes necessary to address compliance issues relating to EPN 52, submit an administratively complete request to amend, or otherwise change the Permit;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a;</p> <p>c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the request to amend the NSR and FOP permits within 30 days after the date of such requests, or by any other deadline specified in writing;</p> <p>d. Within 150 days after the effective date of this Agreed Order, submit written certification that FOP No. O-01424 has been amended to include the four missing applicability provisions or cease operations until appropriate authorization is obtained;</p> <p>e. Within 180 days after the effective date of this Agreed Order, submit written certification that:</p> <p>i. Emissions from EPN 52 are in compliance with the permitted limits in NSRP No. 5572B; or</p> <p>ii. Unauthorized emissions from EPN 52 have ceased.</p> <p>f. Within 365 days after the effective date of this Agreed Order, implement optimization measures and process changes to reduce HRVOC emissions from the B Line Finishing and Shipping System (EPN 52) including, but not limited to, elimination of the PSV4013 and PSV4113 vents by routing their gas streams into the B Line Transport System;</p> <p>g. Within 380 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision f.; and</p> <p>h. The certifications required by Ordering Provisions b., d., e., and g. shall include</p>
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		detailed supporting documentation including receipts and/or other records to demonstrate compliance.
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Additional ID No(s): HG0825G



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

DATES	Assigned	5-Feb-2009	Screening	6-Feb-2009	EPA Due	3-Nov-2009
	PCW	11-Jun-2009				

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

CASE INFORMATION			
Enf./Case ID No.	37132	No. of Violations	7
Docket No.	2009-0188-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Terry Murphy
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section			
TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$56,700
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.</small>			
Compliance History	175.0% Enhancement	Subtotals 2, 3, & 7	\$99,225
Notes	The penalty was enhanced by 7 NOVs for same or similar violations and seven 1660-style agreed orders.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$1,900
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$2,302	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$24,000		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$154,025
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Notes	Reduces or enhances the Final Subtotal by the indicated percentage.		
		Final Penalty Amount	\$154,025
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$154,025
DEFERRAL	20.0% Reduction	Adjustment	-\$30,805
Notes	Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)		
	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$123,220

Screening Date 6-Feb-2009

Docket No. 2009-0188-AIR-E

PCW

Respondent Sunoco, Inc. (R&M)

Policy Revision 2 (September 2002)

Case ID No. 37132

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102888328

Media [Statute] Air

Enf. Coordinator Terry Murphy

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	7	140%
	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 judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 175%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty was enhanced by 7 NOVs for same or similar violations and seven 1660-style agreed orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 175%

Screening Date 6-Feb-2009	Docket No. 2009-0188-AIR-E																			
Respondent Sunoco, Inc. (R&M)	PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2009</small>																			
Case ID No. 37132																				
Reg. Ent. Reference No. RN102888328																				
Media [Statute] Air																				
Enf. Coordinator Terry Murphy																				
Violation Number 1																				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.10(b)(2) and 122.143(4), Federal Operating Permit ("FOP") No. Q-01424, Special Terms and Conditions No. 2.E, and Tex. Health & Safety Code § 382.085(b)																			
Violation Description	Failed to report accurate actual volatile organic compound ("VOC") emissions in the calendar year 2007 annual emissions inventory, as documented during a record review conducted on February 5, 2009.																			
Base Penalty	\$10,000																			
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td>Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td rowspan="2">Percent <input type="text" value="0%"/></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
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>> Programmatic Matrix																				
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Falsification	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>																
Matrix Notes	The Respondent failed to report less than 30% of the required information.																			
Adjustment	\$9,900																			
Violation Base Penalty	\$100																			
Violation Events																				
Number of Violation Events	<input type="text" value="1"/> <input type="text" value="302"/> Number of violation days																			
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>weekly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	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"/>					
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Violation Base Penalty	\$100																			
	One single event is recommended based on the failure to submit the 2007 annual report.																			
Good Faith Efforts to Comply																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">25.0% Reduction</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPR/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;">(mark with x)</td> </tr> <tr> <td>Notes</td> <td colspan="2">The Respondent submitted a corrected 2007 annual emissions inventory to the TCEQ on January 28, 2009.</td> </tr> </table>		25.0% Reduction			Before NOV	NOV to EDPR/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>	N/A	<input type="text"/>	(mark with x)	Notes	The Respondent submitted a corrected 2007 annual emissions inventory to the TCEQ on January 28, 2009.		
	25.0% Reduction																			
	Before NOV	NOV to EDPR/Settlement Offer																		
Extraordinary	<input type="text"/>	<input type="text"/>																		
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>																		
N/A	<input type="text"/>	(mark with x)																		
Notes	The Respondent submitted a corrected 2007 annual emissions inventory to the TCEQ on January 28, 2009.																			
Violation Subtotal	\$75																			
Economic Benefit (EB) for this violation																				
Estimated EB Amount	\$82																			
Statutory Limit Test																				
Violation Final Penalty Total	\$250																			
This violation Final Assessed Penalty (adjusted for limits)	\$250																			

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 37132
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$2,000	31-Mar-2008	26-Jan-2009	0.82	\$82	n/a	\$82
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to improve oversight of emissions reporting records. The Date Required is the date the 2007 report was due, and the Final Date is the date the Respondent submitted a corrected report.

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

\$2,000

TOTAL

\$82

Screening Date 6-Feb-2009 **Docket No.** 2009-0188-AIR-E **PCW**
Respondent Sunoco, Inc. (R&M) *Policy Revision 2 (September 2002)*
Case ID No. 37132 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102888328
Media [Statute] Air
Enf. Coordinator Terry Murphy
Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 115.126(3) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to maintain records sufficient to demonstrate that the B Line Finishing and Shipping System (Emissions Point Number ["EPN"] 52) vents comply with the exemption limit, as documented during a record review conducted on February 5, 2009.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes: The Respondent failed to comply with 100% of the rule.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 6

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

One single event is recommended based on the one set of records not maintained.

Good Faith Efforts to Comply

	25.0% Reduction	\$625
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A	(mark with x)	

Notes: The Respondent returned to compliance on February 27, 2009, and the NOE is dated April 23, 2009.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Estimated EB Amount \$8

Statutory Limit Test

Violation Final Penalty Total \$6,250

This violation Final Assessed Penalty (adjusted for limits) \$6,250

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 37132
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$2,000	30-Jan-2009	27-Feb-2009	0.08	\$8	n/a	\$8
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated costs to prepare and maintain exemption documentation. The Date Required is the date the Respondent self-disclosed the violation, and the Final Date is when the documentation was completed and submitted for review.

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 \$2,000 TOTAL \$8

Screening Date 6-Feb-2009	Docket No. 2009-0188-AIR-E	PCW		
Respondent Sunoco, Inc. (R&M)	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37132	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN102888328				
Media [Statute] Air				
Enf. Coordinator Terry Murphy				
Violation Number 3				
Rule Cite(s)	30 Tex. Admin. Code § 115.726(b), (g)(2), (h)(2), and (i) and Tex. Health & Safety Code § 382.085(b).			
Violation Description	Failed to comply with recordkeeping requirements applicable to the PSV4013 and PSV4113 continuous process vents in the B Line Finishing and Shipping System (EPN 52), as documented during a record review conducted on February 5, 2009.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
Harm				
Release	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Percent		0%		
>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Percent		25%		
Matrix Notes	The Respondent failed to comply with 100% of the rule.			
Adjustment		\$7,500		
		\$2,500		
Violation Events				
Number of Violation Events	1	250	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 type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
Violation Base Penalty		\$2,500		
One single event is recommended based on the requirements applicable to the one EPN.				
Good Faith Efforts to Comply				
25.0% Reduction		\$625		
Before NOV		NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>			
Ordinary	<input checked="" type="checkbox"/>			
N/A	<input type="checkbox"/>	(mark with x)		
Notes	The Respondent returned to compliance on February 27, 2009, and the NOE is dated April 23, 2009.			
Violation Subtotal		\$1,875		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$208	Violation Final Penalty Total	\$6,250	
This violation Final Assessed Penalty (adjusted for limits)		\$6,250		

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 37132
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$4,000	1-Jun-2008	27-Feb-2009	0.74	\$10	\$198	\$208
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated costs to implement procedures to ensure the recordkeeping requirements are met. The Date Required is the date the Respondent reported the violations began, and the Final Date is the date the Respondent returned to compliance.

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 \$4,000 **TOTAL** \$208

Screening Date 6-Feb-2009	Docket No. 2009-0188-AIR-E	PCW	
Respondent Sunoco, Inc. (R&M)	<small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>		
Case ID No. 37132			
Reg. Ent. Reference No. RN10288328			
Media [Statute] Air			
Enf. Coordinator Terry Murphy			
Violation Number 4			
Rule Cite(s)	30 Tex. Admin. Code § 101.393(b) and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to hold a quantity of highly-reactive volatile organic compound ("HRVOC") allowances in its HRVOC Emissions Cap and Trade Program compliance account that was equal to or greater than the total HRVOC emissions from the covered facilities located at the Plant during the calendar year 2007 control period, as documented during a record review conducted on February 5, 2009. Specifically, 48.65 tons of allowances were required, but the Respondent only held 28.60 tons.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
OR			Percent <input type="text" value="0%"/>
>> Programmatic Matrix			
Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>
Matrix Notes	The Respondent failed to hold between 30% to 70% of the required allowances.		
Adjustment		\$9,000	
		\$1,000	
Violation Events			
Number of Violation Events <input type="text" value="4"/>		<input type="text" value="341"/> Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$4,000"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Four quarterly events are recommended from the date the allowances were due (March 1, 2008) to the enforcement screening date (February 6, 2009).			
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>
		<small>Before NOV NOV to EDFRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$4,000	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$456"/>	Violation Final Penalty Total	<input type="text" value="\$11,000"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$11,000"/>	

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 37132
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	1-Mar-2006	2-Jun-2009	3.26	\$22	\$434	\$456
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated costs to prepare and submit documentation related to the reallocation of HRVOC allowances. The Date Required is the date the allowances were needed, and the Final Date is the date the required amount of allowances was deposited to the Respondent's account. There were no costs for purchase of these allowances.

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 \$2,000 **TOTAL** \$456

Screening Date 6-Feb-2009	Docket No. 2009-0188-AIR-E	PCW		
Respondent Sunoco, Inc. (R&M)		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37132		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102888328				
Media [Statute] Air				
Enf. Coordinator Terry Murphy				
Violation Number 5				
Rule Cite(s)	40 Code of Federal Regulations §§ 63.2455(b), 63.2450(a), 63.2520(a) and (d), 63.2525(a) and (b), 63.4(a)(1), and 63.10(b), 30 Tex. Admin. Code §§ 101.20(2) and 113.890, New Source Review Permit ("NSRP") No. 5672B, Special Condition No. 4, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the requirement to designate the B Line Finishing and Shipping System (EPN 52) vents as Group 1 or Group 2 vents by May 10, 2008, as documented during a record review conducted on February 5, 2009.			
	Base Penalty	\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
	Major Moderate Minor			
	Actual	Potential		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	Percent	0%		
>> Programmatic Matrix				
	Falsification Major Moderate Minor			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Percent	25%		
Matrix Notes	The Respondent failed to comply with 100% of the rule.			
	Adjustment	\$7,500		
		\$2,500		
Violation Events				
	Number of Violation Events	1	Number of violation days	
		272		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	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"/>		
	Violation Base Penalty	\$2,500		
		One single event is recommended based on the one designation required.		
Good Faith Efforts to Comply				
	25.0% Reduction		\$625	
	Before NOV NOV to EDRP/Settlement Offer			
	Extraordinary	<input type="checkbox"/>		
	Ordinary	<input checked="" type="checkbox"/>		
	N/A	<input type="checkbox"/>		
	Notes	The Respondent returned to compliance on February 27, 2009, and the NOE is dated April 23, 2009.		
	Violation Subtotal	\$1,875		
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$112	Violation Final Penalty Total	
			\$6,250	
		This violation Final Assessed Penalty (adjusted for limits)	\$6,250	

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 37132
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	10-May-2008	27-Feb-2009	0.80	\$5	\$107	\$112
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to prepare and submit documentation related to the designation of the vents. The Date Required is the date the documentation was due, and the Final Date is the date the documentation was submitted.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$2,000 TOTAL \$112

Screening Date 6-Feb-2009	Docket No. 2009-0188-AIR-E	PCW	
Respondent Sunoco, Inc. (R&M)	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37132	<small>PCW Revision October 30, 2009</small>		
Reg. Ent. Reference No. RN102888328			
Media [Statute] Air			
Enf. Coordinator Terry Murphy			
Violation Number 6			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b) and (c) and 122.143(4), NSRP No. 5572B, Special Condition No. 1, FOP No. O-01424, General Terms and Conditions and Special Terms and Conditions No. 9, and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to comply with permitted emissions limits. Specifically, since June 2008, emissions from the B Line Finishing and Shipping System (EPN 52) have been 11.2 pounds per hour ("lb/hr") and 45.2 tons per year (based on a rolling 12-month period) of VOC; and hexane emissions have been 6.2 lb/hr, whereas the permitted limits are 0.35 lb/hr and 1.56 tons per year for VOC and 0.21 lb/hr for hexane, as documented during a record review conducted on February 5, 2009.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual		x	
Potential			
Percent		50%	
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
Percent		0%	
Matrix Notes	Human health or the environment have been exposed to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.		
Adjustment		\$5,000	
		\$5,000	
Violation Events			
g		250 Number of violation days	
<small>mark only one with an x</small>	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
Violation Base Penalty		\$45,000	
Nine monthly events are recommended from the date the exceedances began (June 1, 2008) to the enforcement screening date (February 6, 2009).			
Good Faith Efforts to Comply			
0.0% Reduction		\$0	
<small>Before NOV NOV to EDPRP/Settlement Offer</small>			
Extraordinary			
Ordinary			
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$45,000	
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount		\$836	
Violation Final Penalty Total		\$123,750	
This violation Final Assessed Penalty (adjusted for limits)			\$123,750

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 37132
Reg. Ent. Reference No. RN102888328
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
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	1-Jun-2008	1-Feb-2010	1.67	\$836	n/a	\$836
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated costs to make operational changes to maintain emissions within permitted limits and/or amend the NSR permit. The Date Required is the date the exceedances began, and the Final Date is the expected date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$10,000 **TOTAL** \$836

Screening Date 6-Feb-2009 **Docket No.** 2009-0188-AIR-E **PCW**
Respondent Sunoco, Inc. (R&M) *Policy Revision 2 (September 2002)*
Case ID No. 37132 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102888328
Media [Statute] Air
Enf. Coordinator Terry Murphy
Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code § 122.132(a) and (e) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to include applicability provisions in a FOP. Specifically, the Respondent failed to include four provisions in its FOP No. O-01424, as documented during a record review conducted on February 5, 2009.
Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes

The Respondent failed to include less than 30% of the required applicability provisions.

Adjustment \$9,900

\$100

Violation Events

1

1830 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended based on the one deficient report.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$600

Violation Final Penalty Total \$275

This violation Final Assessed Penalty (adjusted for limits) \$275

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 37132
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$2,000	2-Feb-2004	1-Feb-2010	6.00	\$600	n/a	\$600
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated costs to prepare and submit a request to update/amend the Title V permit. The Date Required is the issuance date of the Title V permit, and the Final Date is when the permit is expected to be updated/amended.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personal				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 TOTAL \$600

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601179914	Sunoco, Inc. (R&M)	Classification: AVERAGE	Rating: 4.13
Regulated Entity:	RN102888328	SUNOCO R&M LA PORTE PLANT	Classification: AVERAGE	Site Rating: 6.35
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1011175
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD098200637
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		31010
	AIR OPERATING PERMITS	ACCOUNT NUMBER		HG0825G
	AIR OPERATING PERMITS	PERMIT		1424
	AIR NEW SOURCE PERMITS	PERMIT		5572B
	AIR NEW SOURCE PERMITS	PERMIT		53042
	AIR NEW SOURCE PERMITS	PERMIT		5572C
	AIR NEW SOURCE PERMITS	PERMIT		40591
	AIR NEW SOURCE PERMITS	PERMIT		41949
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HG0825G
	AIR NEW SOURCE PERMITS	AFS NUM		4820100485
	AIR NEW SOURCE PERMITS	REGISTRATION		70549
	AIR NEW SOURCE PERMITS	PERMIT		54401
	AIR NEW SOURCE PERMITS	REGISTRATION		81336
	WATER LICENSING	LICENSE		1011175
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		24175
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)		31010

Location: 8811 STRANG RD, LA PORTE, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 06, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 06, 2004 to February 06, 2009

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

Name: Terry Murphy Phone: (512) 239-5025

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
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: 03/05/2004 ADMINORDER 2003-0177-AIR-E
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(g)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)
 40 CFR Part 60, Subpart DDD 60.562-2(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to make the first attempt to repair leaking components with tag numbers 70628.02, 70005, 70037, 71814, and 70007 within five calendar days after the leak was discovered.

Classification: Minor

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

Description: Failure to document daily flare observation for EPNs Flare-1 and Flare-2, including the time of day and whether or not the flare was smoking.

Classification: Minor

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

Rqmt Prov: SC3 PERMIT

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

Classification: Minor

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

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

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

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
40 CFR Part 60, Subpart Db 60.48b(e)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 20(B) PERMIT

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

Classification: Minor

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

5C THC Chapter 382, SubChapter A 382.085(b)

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

Effective Date: 10/24/2005

ADMINORDER 2005-0188-AIR-E

Classification: Moderate

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

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

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

Effective Date: 07/14/2006

ADMINORDER 2005-0794-AIR-E

Classification: Minor

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

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

Classification: Moderate

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

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

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

Effective Date: 02/08/2008

ADMINORDER 2007-0484-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 5572B SC # 1. PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 04/03/2008

ADMINORDER 2007-1365-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: No. 5572D, Special Conditions 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit the initial emissions event report for Incident 91432 within 24 hours after discovery of the event. Specifically, the report was required to be submitted by May 19, 2007 at 6:00 p.m., but was not submitted until May 21, 2007 at 2:45 p.m.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Classification: Moderate

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

Rqmt Prov: No. 5572B, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 07/03/2008

ADMINORDER 2007-1940-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: 5572B, Special Conditions PERMIT

Description: Failed to prevent unauthorized emissions, as documented during a record review conducted on September 12, 2007. Specifically, 249.73 pounds ("lbs") of propylene, 260 lbs of carbon monoxide, and 10.48 lbs of nitrogen oxide were released when actual propylene emissions from a start-up exceeded the initial estimates by more than the reportable quantity during an incident which occurred on June 24, 2007.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the initial notification within 24 hours of the discovery of the emissions event (Incident No. 93049), as documented during a record review conducted on September 12, 2007. Specifically, the incident started and ended on June 24, 2007, when actual propylene emissions from a start-up exceeded the initial estimates by more than the reportable quantity.

Effective Date: 10/23/2008

ADMINORDER 2008-0190-AIR-E

Classification: Moderate

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

Rqmt Prov: 5572B, Special Conditions PERMIT
Description: Failed to prevent unauthorized emissions.

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	03/17/2004	(260854)	41	04/28/2006	(463982)
2	05/17/2004	(251876)	42	05/26/2006	(461009)
3	06/22/2004	(266994)	43	06/06/2006	(467462)
4	06/22/2004	(266995)	44	07/10/2006	(466004)
5	08/23/2004	(265841)	45	07/10/2006	(483608)
6	08/28/2004	(265810)	46	07/14/2006	(484670)
7	08/28/2004	(266466)	47	07/31/2006	(456185)
8	08/28/2004	(267569)	48	08/04/2006	(380088)
9	08/29/2004	(265566)	49	08/18/2006	(509314)
10	08/31/2004	(290571)	50	09/01/2006	(489141)
11	09/01/2004	(279190)	51	09/11/2006	(511595)
12	10/22/2004	(337799)	52	09/18/2006	(511640)
13	10/25/2004	(291973)	53	09/19/2006	(512017)
14	11/11/2004	(290630)	54	09/21/2006	(512001)
15	12/20/2004	(343600)	55	10/11/2006	(467414)
16	01/07/2005	(339390)	56	10/31/2006	(516691)
17	01/18/2005	(336630)	57	02/26/2007	(537781)
18	02/11/2005	(336628)	58	03/21/2007	(540253)
19	04/18/2005	(373760)	59	04/11/2007	(555880)
20	05/02/2005	(375166)	60	08/03/2007	(570285)
21	05/04/2005	(378176)	61	08/10/2007	(570396)
22	05/06/2005	(379885)	62	08/10/2007	(570893)
23	07/13/2005	(399616)	63	08/14/2007	(568525)
24	07/13/2005	(399795)	64	08/23/2007	(571862)
25	07/27/2005	(400065)	65	08/28/2007	(571898)
26	07/27/2005	(401452)	66	09/21/2007	(594295)
27	07/27/2005	(401628)	67	11/05/2007	(574201)
28	08/10/2005	(404050)	68	11/05/2007	(599586)
29	08/24/2005	(404759)	69	11/08/2007	(599585)
30	08/25/2005	(405746)	70	12/14/2007	(600238)
31	08/29/2005	(405386)	71	01/08/2008	(613592)
32	11/28/2005	(431292)	72	01/25/2008	(613670)
33	02/10/2006	(453301)	73	03/10/2008	(618471)
34	02/21/2006	(453967)	74	03/24/2008	(638906)
35	02/23/2006	(455885)	75	03/28/2008	(639002)
36	02/25/2006	(456917)	76	05/01/2008	(636881)
37	02/28/2006	(456491)	77	08/14/2008	(681551)
38	02/28/2006	(457028)	78	11/25/2008	(708559)
39	02/28/2006	(457168)	79	12/04/2008	(701338)
40	04/11/2006	(457719)	80	02/05/2009	(726191)

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

Date: 08/23/2004 (265841)

Self Report? NO

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failed to submit a copy of a final record for a scheduled maintenance activity.

Date: 08/28/2004 (267569)

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

Date: 07/27/2005 (400065)

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5572B SC No.9 PERMIT
O-01424, SC 8 OP

Description: Failure to unload tanks within the permit allocated time period

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5572B, SC 18.E PERMIT
O-01424, SC 1A & 8 OP

Description: Failure to cap or plug the 115 open ended lines in B-line Unit and 67 open ended lines in C-line Unit during the certification period.

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

Date: 05/30/2006 (461009)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5572B, Special Condition #1 PA
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent venting of unauthorized emissions to the flare due to partially plugged make up water heat exchanger.

Date: 07/10/2006 (466004)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 5572B, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)

Description: Failure to submit final report for a scheduled startup activity no later than two weeks after the end of the scheduled startup.

Date: 07/14/2006 (484670)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent unauthorized emissions.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)

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

Date: 08/14/2007 (568525)

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

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

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SUNOCO, INC. (R&M)
RN102888328**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0188-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sunoco, Inc. (R&M) ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Laura LaValle of the law firm of Beveridge & Diamond, P.C., appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 8811 Strang Road in LaPorte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 28, 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 One Hundred Fifty-Four Thousand Twenty-Five Dollars (\$154,025) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Twenty-Three Thousand Two

Hundred Twenty Dollars (\$123,220) of the administrative penalty and Thirty Thousand Eight Hundred Five Dollars (\$30,805) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On January 26, 2009, submitted to the TCEQ a corrected calendar year 2007 annual emissions inventory that contains accurate actual volatile organic compound ("VOC") emissions;
 - b. On January 26, 2009, submitted to the TCEQ a revised Form ECT-1H, Highly Reactive Volatile Organic Compounds ("HRVOC") Annual Compliance Report, that contains accurate actual HRVOC emissions from Emissions Point Number ("EPN") 52 for the 2007 control period;
 - c. By February 27, 2009, created and maintained records sufficient to demonstrate that the B Line Finishing and Shipping System (EPN 52) vents comply with the applicable exemption limit in 30 TEX. ADMIN. CODE § 115.126(3);
 - d. By February 27, 2009, submitted documentation of compliance with the recordkeeping requirements applicable to the PSV4013 and PSV4113 continuous process vents in the B Line Finishing and Shipping System (EPN 52);
 - e. During January 2009, designated the EPN 52 vents as Group 2 vents for purposes of 40 CODE OF FEDERAL REGULATIONS Part 63, Subpart FFFF, and by February 27, 2009, submitted to the TCEQ a notification of compliance status report that reflects the Group 2 vent designations for these vents as required by Subpart FFFF;
 - f. On April 30, 2009, applied to TCEQ to revise Federal Operating Permit ("FOP") No. O-01424 to include missing applicability provisions relating to EPN 52; and
 - g. On June 2, 2009, a quantity of HRVOC allowances was deposited into the Respondent's HRVOC Emissions Cap and Trade Program compliance account that was equal to the HRVOC emissions from the covered facilities during the calendar year 2007 control period.
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 report accurate actual VOC emissions in the calendar year 2007 annual emissions inventory, in violation of 30 TEX. ADMIN. CODE §§ 101.10(b)(2) and 122.143(4), FOP No. O-01424, Special Terms and Conditions No. 2.E, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 5, 2009.
2. Failed to maintain records sufficient to demonstrate that the B Line Finishing and Shipping System (EPN 52) vents comply with the exemption limit, in violation of 30 TEX. ADMIN. CODE § 115.126(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 5, 2009.
3. Failed to comply with recordkeeping requirements applicable to the PSV4013 and PSV4113 continuous process vents in the B Line Finishing and Shipping System (EPN 52), in violation of 30 TEX. ADMIN. CODE § 115.726(b), (g)(2), (h)(2), and (i) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 5, 2009.
4. Failed to hold a quantity of HRVOC allowances in its HRVOC Emissions Cap and Trade Program compliance account that was equal to or greater than the total HRVOC emissions from the covered facilities located at the Plant during the calendar year 2007 control period, in violation of 30 TEX. ADMIN. CODE § 101.393(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 5, 2009.
5. Failed to comply with the requirement to designate the B Line Finishing and Shipping System (EPN 52) vents as Group 1 or Group 2 vents by May 10, 2008, in violation of 40 CODE OF FEDERAL REGULATIONS §§ 63.2455(b), 63.2450(a), 63.2520(a) and (d), 63.2525(a) and (b), 63.4(a)(1), and 63.10(b), 30 TEX. ADMIN. CODE §§ 101.20(2) and 113.890, New Source Review Permit ("NSRP") No. 5572B, Special Condition No. 4, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 5, 2009.
6. Failed to comply with permitted emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b) and (c) and 122.143(4), NSRP No. 5572B, Special Condition No. 1, FOP No. O-01424, General Terms and Conditions and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 5, 2009. Specifically, since June 2008, emissions from the B Line Finishing and Shipping System (EPN 52) have been 11.2 pounds per hour ("lb/hr") and 45.2 tons per year

(based on a rolling 12-month period) of VOC; and hexane emissions have been 6.2 lbs/hr, whereas the permitted limits are 0.35 lb/hr and 1.56 tons per year for VOC and 0.21 lb/hr for hexane.

7. Failed to include applicability provisions in a FOP, in violation of 30 TEX. ADMIN. CODE § 122.132(a) and (e) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 5, 2009. Specifically, the Respondent failed to include four provisions in its FOP No. O-01424.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sunoco, Inc. (R&M), Docket No. 2009-0188-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, in order to revise NSRP No. 5572B to correct the emissions limits for VOC emissions from EPN 52 and to remove the emissions limit for hexane emissions from EPN 52, and to make any other changes necessary to address compliance issues relating to EPN 52, submit an administratively complete request to amend, or otherwise change the Permit, in accordance with 30 TEX. ADMIN. CODE § 116.110 to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a. to the address in Ordering Provision No. 2.h.;

- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the request to amend the NSR and FOP permits within 30 days after the date of such requests, or by any other deadline specified in writing;
- d. Within 150 days after the effective date of this Agreed Order, submit written certification that FOP No. O-01424 has been amended to include the four missing applicability provisions or cease operations until appropriate authorization is obtained;
- e. Within 180 days after the effective date of this Agreed Order, submit written certification that:
 - i. Emissions from EPN 52 are in compliance with the permitted limits in NSRP No. 5572B; or
 - ii. Unauthorized emissions from EPN 52 have ceased;
- f. Within 365 days after the effective date of this Agreed Order, implement optimization measures and process changes to reduce HRVOC emissions from the B Line Finishing and Shipping System (EPN 52) including, but not limited to, elimination of the PSV4013 and PSV4113 vents by routing their gas streams into the B Line Transport System;
- g. Within 380 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.f.; and
- h. The certifications required by Ordering Provision Nos. 2.b., 2.d., 2.e., and 2.g. shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certifications shall be submitted to:

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

with a copy to:

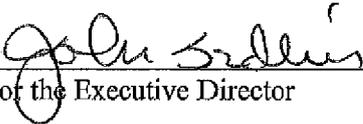
Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon 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.
4. 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.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
6. 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 10/3/2009

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

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

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

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



Signature

Date June 19, 2009

Bruce A. Rubin

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

Title VP Chemicals

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.

