

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0643-AIR-E **TCEQ ID:** RN102888328 **CASE NO.:** 35751
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 La Porte Plant, 8811 Strang Road, La Porte, Harris County</p> <p>TYPE OF OPERATION: Plastics 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 no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 22, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Gerald Crawford, Regional Environmental Engineer, Sunoco, Inc. (R&M), 8811 Strang Road, La Porte, Texas 77571 Mr. Calvin Greene, Lead Environmental Engineer, Sunoco, Inc. (R&M), 8811 Strang Road, La Porte, Texas 77571 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 8 and March 12, 2008</p> <p>Date of NOV/NOE Relating to this Case: March 25 and 28, 2008 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions. Specifically, an emissions event occurred from January 6 to 7, 2008 from a hole in piping in the B Line, that lasted for 24 hours, resulting in the release of 376 pounds ("lbs") of volatile organic compounds ("VOCs"). This emissions event failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Permit No. 5572B, Special Condition No. 1].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, an emissions event occurred on January 9, 2008 at the C Line, Emission Point Number 140 that lasted for three hours, resulting in the release of 251.46 lbs of VOCs, 170.77 lbs of carbon monoxide, and 23.55 lbs of nitrogen oxide. This emissions event failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 5572B, Special Condition No. 1].</p>	<p>Total Assessed: \$10,250</p> <p>Total Deferred: \$2,050 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$8,200</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>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, implement improvements to training, design, operation, or maintenance procedures, in order to address the emissions events that occurred from January 6 to 7, 2008, and January 9, 2008 and to prevent the reoccurrence of same or similar incidents; and</p> <p>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 a.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

DATES	Assigned PCW	31-Mar-2008	4-Apr-2008	Screening	4-Apr-2008	EPA Due	23-Dec-2008
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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.	35751	No. of Violations	2
Docket No.	2008-0643-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Bryan Elliott
Multi-Media		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	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	105% Enhancement	Subtotals 2, 3, & 7	\$5,250
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Notes: The penalty was enhanced due to four 1660 style orders, three NOV's for similar violations, and five NOV's for dissimilar violations.

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

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Total EB Amounts	\$235	Subtotal 6	\$0
Approx. Cost of Compliance	\$2,000	*Capped at the Total EB \$ Amount	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$10,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,250
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DEFERRAL	20% Reduction	Adjustment	-\$2,050
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,200
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Screening Date 4-Apr-2008

Docket No. 2008-0643-AIR-E

PCW

Respondent Sunoco, Inc. (R&M)

Policy Revision 2 (September 2002)

Case ID No. 35751

PCW Revision February 29, 2009

Reg. Ent. Reference No. RN102888328

Media [Statute] Air

Enf. Coordinator Bryan Elliott

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)	3	15%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	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) 105%

>> 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 due to four 1660 style orders, three NOVs for similar violations, and five NOVs for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 105%

Screening Date 4-Apr-2008 **Docket No.** 2008-0643-AIR-E **PCW**
Respondent Sunoco, Inc. (R&M) *Policy Revision 2 (September 2002)*
Case ID No. 35751 *PCW Revision February 29, 2008*
Reg. Ent. Reference No. RN102888328
Media [Statute] Air
Enf. Coordinator Bryan Elliott
Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and New Source Review ("NSR") Permit No. 5572B, Special Condition No. 1
Violation Description
 Failed to prevent unauthorized emissions, as documented during an investigation conducted on February 8, 2008. Specifically, an emissions event occurred from January 6 to 7, 2008 from a hole in piping in the B Line, that lasted for 24 hours, resulting in the release of 376 pounds ("lbs") of volatile organic compounds ("VOCs"). This emissions event failed to meet the demonstrations for affirmative defense as found in 30 Tex. Admin. Code § 101.222.
Base Penalty

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended.

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

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Sunoco, Inc. (R&M)
Case ID No. 35751
Reg. Ent. Reference No. RN102888328
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	6-Jan-2008	15-May-2010	2.4	\$118	n/a	\$118

Notes for DELAYED costs
 Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is based on the date of the emissions event and Final Date is the prospective date of compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000 **TOTAL** \$118

Screening Date 4-Apr-2008

Docket No. 2008-0643-AIR-E

PCW

Respondent Sunoco, Inc. (R&M)

Policy Revision 2 (September 2002)

Case ID No. 35751

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN102888328

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Violation Number

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

Violation Description

Failed to prevent unauthorized emissions, as documented during an investigation conducted on February 8, 2008. Specifically, an emissions event occurred on January 9, 2008 at the C Line, Emission Point Number 140 that lasted for three hours, resulting in the release of 251.46 lbs of VOCs, 170.77 lbs of carbon monoxide, and 23.55 lbs of nitrogen oxide. This emissions event failed to meet the demonstrations for affirmative defense as found in 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<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"/>

Violation Base Penalty

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 35751
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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	9-Jan-2008	15-May-2010	2.3	\$117	n/a	\$117

Notes for DELAYED costs
 Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is based on the date of the emissions event and Final Date is the prospective date of compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**
\$1,000 \$117

Compliance History

Customer/Respondent/Owner-Operator: CN801179914 Sunoco, Inc. (R&M) Classification: AVERAGE Rating: 4.74
 Regulated Entity: RN102886328 SUNOCO R&M LA PORTE PLANT Classification: AVERAGE Site Rating: 3.85

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	6572B
	AIR NEW SOURCE PERMITS	PERMIT	63042
	AIR NEW SOURCE PERMITS	PERMIT	6572C
	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	70649
	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 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 01, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 01, 2003 to April 01, 2008

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

Name: Bryan Elliott Phone: 239-6162

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

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

Effective Date: 03/05/2004 ADMINORDER 2003-0177-AIR-E
 Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(g)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)
 40 CFR Part 60, Subpart DDD 60.662-2(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to make the first attempt to repair leaking components with tag numbers 70629.02, 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.

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	07/13/2003	(35184)
2	08/29/2003	(119631)
3	12/17/2003	(252763)
4	12/17/2003	(252730)
5	03/17/2004	(260854)
6	05/17/2004	(251878)
7	06/22/2004	(266994)
8	06/22/2004	(266995)
9	08/23/2004	(265841)
10	08/28/2004	(266466)
11	08/28/2004	(267589)
12	08/28/2004	(265810)
13	08/29/2004	(265586)
14	08/31/2004	(290571)
15	09/01/2004	(279190)
16	10/22/2004	(337799)
17	10/25/2004	(291973)
18	11/11/2004	(290630)
19	12/20/2004	(343600)
20	01/07/2005	(339390)
21	01/18/2005	(336630)
22	02/11/2005	(336628)
23	04/18/2005	(373780)
24	05/02/2005	(375166)
25	05/04/2005	(378176)
26	05/06/2005	(378885)
27	07/13/2005	(399795)
28	07/13/2005	(399816)
29	07/27/2005	(401628)
30	07/27/2005	(401452)
31	07/27/2005	(400065)
32	08/10/2005	(404050)
33	08/24/2005	(404759)
34	08/25/2005	(405746)
35	08/29/2005	(405386)
36	11/28/2005	(431292)
37	02/10/2006	(453301)
38	02/21/2006	(453967)
39	02/23/2006	(455885)
40	02/26/2006	(456917)
41	02/28/2006	(456491)
42	02/28/2006	(457028)
43	02/28/2006	(457168)
44	04/11/2006	(457719)
45	04/28/2006	(463982)
46	05/26/2006	(461009)
47	06/06/2006	(467462)

48 07/10/2006 (466004)
 49 07/10/2006 (463508)
 50 07/14/2006 (484670)
 51 07/31/2006 (456185)
 52 08/04/2006 (380088)
 53 08/18/2006 (509314)
 54 09/01/2006 (489141)
 55 09/11/2006 (511595)
 56 09/18/2006 (511640)
 57 09/19/2006 (512017)
 58 09/21/2006 (512001)
 59 10/11/2006 (467414)
 60 10/31/2006 (516691)
 61 02/26/2007 (537781)
 62 03/21/2007 (540253)
 63 04/11/2007 (555880)
 64 08/03/2007 (570285)
 65 08/10/2007 (570396)
 66 08/10/2007 (570893)
 67 08/14/2007 (568525)
 68 08/23/2007 (571862)
 69 08/28/2007 (571898)
 70 09/21/2007 (594295)
 71 11/05/2007 (574201)
 72 11/05/2007 (599586)
 73 11/08/2007 (599585)
 74 12/14/2007 (600238)
 75 01/08/2008 (613592)
 76 01/25/2008 (613370)
 77 03/10/2008 (618471)
 78 03/24/2008 (638908)
 79 03/28/2008 (639002)

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

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

Date 08/23/2004 (265641)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT TCEQ Air Permit No. 5572B, SC #1
 Description: Failed to submit a copy of a final record for a scheduled maintenance activity.

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

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

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

Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter D 116.352(4)
 30 TAC Chapter 116, SubChapter H 116.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: PERMIT 5572B, SC 18.E
 OP O-01424, SC 1A & 8

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

Self Report? NO **Classification** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)

Description: Failure to submit the deviation report within 30 days after the end of the six months reporting period from February 2, 2004 through August 2, 2004.

Date 05/30/2006 (461009)

Self Report? NO **Classification** Minor

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

Rqmt Prov: PA 5572B, Special Condition #1

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

Date 07/10/2006 (468004)

Self Report? NO **Classification** Moderate

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

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

Description: Failure to prevent unauthorized emissions

Self Report? NO **Classification** Minor

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

Description: Failure to submit final report for a scheduled startup activity no 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)

Rqmt Prov: OP General Terms and Conditions

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0643-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a plastics manufacturing plant located at 8811 Strang Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and 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 March 30 and April 2, 2008.
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 Ten Thousand Two Hundred Fifty Dollars (\$10,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Two Hundred Dollars (\$8,200) of the administrative penalty and Two Thousand Fifty Dollars (\$2,050) 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 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.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Permit No. 5572B, Special Condition No. 1, as documented during investigations conducted on February 8 and March 12, 2008. Specifically, an emissions event occurred from January 6 to 7, 2008 from a hole in piping in the B Line, that lasted for 24 hours, resulting in the release of 376 pounds ("lbs") of volatile organic compounds ("VOCs"). This emissions event failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 5572B, Special Condition No. 1, as documented during investigations conducted on February 8 and March 12, 2008. Specifically, an emissions event occurred on January 9, 2008 at the C Line, Emission Point Number 140 that lasted for three hours, resulting in the release of 251.46 lbs of VOCs, 170.77 lbs of carbon monoxide, and 23.55 lbs of nitrogen oxide. This emissions event failed to meet the demonstrations for affirmative defense as found in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sunoco, Inc. (R&M), Docket No. 2008-0643-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, implement improvements to training, design, operation, or maintenance procedures, in order to address the emissions events that occurred from January 6 to 7, 2008, and January 9, 2008 and to prevent the reoccurrence of same or similar incidents; 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. 2.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 fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to 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.

Sunoco, Inc. (R&M)
DOCKET NO. 2008-0643-AIR-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

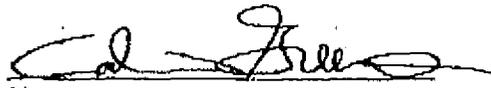
2/25/2010
Date

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

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

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

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



Signature

1/22/10
Date

CALVIN GREENE

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

LEAD ENVIRONMENTAL ENGINEER

Title

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

