

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2009-1990-AIR-E **TCEQ ID:** RN100215128 **CASE NO.:** 38838

**RESPONDENT NAME:** Sunoco Pipeline L.P.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Colorado City Station, 3250 County Road 4156, Hermleigh, Scurry County</p> <p><b>TYPE OF OPERATION:</b> Crude oil pipeline breakout station</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 26, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044;  Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Leland Hastings, District Manager, Sunoco Pipeline L.P., 401 Cypress Street, Suite 610, Abilene, Texas 79601  Mr. David Justin, Vice President, Operations, Sunoco Pipeline L.P., 401 Cypress Street, Suite 610, Abilene, Texas 79601  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 1-15, 2009</p> <p><b>Date of NOE Relating to this Case:</b> November 12, 2009</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>AIR</b></p> <p>Failure to prevent the release of 1,845 barrels of crude oil on June 17 and 18, 2009, resulting in the unauthorized release of 10,771 pounds of volatile organic compounds during an emissions event lasting nine hours. Because the release was due to human error, a valve had been left open during maintenance on the pipe manifold, the Respondent failed to meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and (c)(7) and 122.143(4), New Source Review Permit No. 72661 Special Condition No. 1, Federal Operating Permit No. O-02691 Special Terms and Conditions No. 5, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$5,900</p> <p><b>Total Deferred:</b> \$1,180  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$4,720</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that by September 22, 2009, the Respondent updated and implemented new procedures for lock-out and tag-out of the power circuits for power-operated valves during maintenance and repairs including multilevel management sign-offs to ensure that the power is turned off and that appropriate personnel are notified before startup and completion of the work at the Station.</p>

Additional ID No(s): SG0033L



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	16-Nov-2009	Screening	7-Dec-2009	EPA Due	9-Aug-2010
	PCW	9-Dec-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Sunoco Pipeline L.P.
Reg. Ent. Ref. No.	RN100215128
Facility/Site Region	3-Abilene
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	38838	No. of Violations	1
Docket No.	2009-1990-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		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**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement **Subtotal 6**

Total EB Amounts    
 Approx. Cost of Compliance    
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY**

Screening Date 7-Dec-2009

Docket No. 2009-1990-AIR-E

PCW

Respondent Sunoco Pipeline L.P.

Policy Revision 2 (September 2002)

Case ID No. 38838

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100215128

Media [Statute] Air

Enf. Coordinator Miriam Hall

### 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)	0	0%
	Other written NOVs	2	4%
Orders:	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	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) 43%

>> 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 for two unrelated NOVs and two 1660 orders. The penalty was reduced for one Notice of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 43%

Screening Date 7-Dec-2009

Docket No. 2009-1990-AIR-E

PCW

Respondent Sunoco Pipeline L.P.

Policy Revision 2 (September 2002)

Case ID No. 38838

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216128

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a) and (c)(7) and 122.143(4), New Source Review Permit No. 72661 Special Condition No. 1, Federal Operating Permit No. O-02691 Special Terms and Conditions No. 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent the release of 1,845 barrels of crude oil on June 17 and 18, 2009, resulting in unauthorized release of 10,771 pounds of volatile organic compounds during an emissions event lasting nine hours. Because the release was due to human error, a valve had been left open during maintenance on the pipe manifold, the Respondent failed to meet the affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

	Before NOV	NOV to EDP/PRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on September 22, 2009, and the NOE was issued on November 12, 2009.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$5,900

This violation Final Assessed Penalty (adjusted for limits) \$5,900

## Economic Benefit Worksheet

**Respondent:** Sunoco Pipeline L.P.  
**Case ID No.:** 38838  
**Reg. Ent. Reference No.:** RN100215128  
**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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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	18-Jun-2009	22-Sep-2009	0.26	\$7	n/a	\$7

Notes for DELAYED costs

The estimated cost of updating and implementing new procedures for lock-out and tag-out of the power circuits for power-operated valves during maintenance and repairs including multilevel management sign-offs to ensure that the power is turned off and that appropriate personnel are notified before startup and completion of the work from the date of the violation to date that corrective actions were completed.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$7

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN602373904 Sunoco Pipeline L.P.	Classification: AVERAGE	Rating: 3.74
Regulated Entity:	RN100215128 COLORADO CITY STATION	Classification: AVERAGE	Site Rating: 15.56
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	SG0033L
	AIR OPERATING PERMITS	PERMIT	2691
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	SG0033L
	AIR NEW SOURCE PERMITS	PERMIT	72661
	AIR NEW SOURCE PERMITS	AFS NUM	4841500014
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	SG0033L
Location:	3250 COUNTY ROAD 4156, HERMLEIGH, TX, 79526		
TCEQ Region:	REGION 03 - ABILENE		
Date Compliance History Prepared:	December 08, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 08, 2004 to December 08, 2009		

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

Name: Miriam Hall Phone: (512) 239-1044

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 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: 06/09/2005 ADMINORDER 2004-0592-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: 49038 PERMIT  
 Gen Cond No. 8 & Spec Cond No. 1 PERMIT  
 General Operating Permit No. 515 OP  
 GENERAL OPERATING PERMIT NO. O-01307 OP  
 Description: Failure to meet the Volatile Organic Compound (VOC) emission limits contained in the Maximum Allowable Emissions Rate Table (MAERT) of TCEQ Air Permit No. 49038, for crude oil storage tanks Nos. 3, 4, 10, 11, & 17.

Effective Date: 05/22/2008 ADMINORDER 2007-1448-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: Special Condition No. 3(A) PERMIT  
 Description: Failed to submit tank seal gap inspection reports within 60 days following the performance of seal gap measurements on crude oil storage tanks  
 Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Description: Failed to report in writing all instances of deviations to the Executive Director

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	02/23/2005	(350408)
2	07/31/2006	(486525)
3	10/18/2006	(516312)
4	08/24/2007	(570731)
5	08/01/2008	(686207)
6	09/09/2008	(700326)
7	08/21/2009	(764389)
8	11/12/2009	(765246)

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

Date: 07/25/2006 (486525)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to submit tank seal gap inspection reports within 60 days following performance of seal gap measurements on crude oil storage tanks subject to New Source Performance Standard (NSPS) Subpart Kb, as required by 40 CFR 60.115b (b)(2).

Date: 08/01/2008 (686207)

Self Report? NO

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Description: Failure to submit a deviation report within 30 days from the end date of a semiannual deviation reporting period.

F. Environmental audits.

Notice of Intent Date: 06/26/2009 (762314)  
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SUNOCO PIPELINE L.P.  
RN100215128**

§           **BEFORE THE**  
§  
§           **TEXAS COMMISSION ON**  
§  
§           **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-1990-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 Pipeline L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns an interest in and operates a crude oil pipeline breakout station at 3250 County Road 4156 in Hermleigh, Scurry County, Texas (the "Station").
2. The Station 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 November 17, 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 Five Thousand Nine Hundred Dollars (\$5,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Seven Hundred Twenty Dollars (\$4,720) of the administrative penalty and One Thousand One Hundred Eighty Dollars (\$1,180) 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 by September 22, 2009, the Respondent updated and implemented new procedures for lock-out and tag-out of the power circuits for power-operated valves during maintenance and repairs including multilevel management sign-offs to ensure that the power is turned off and that appropriate personnel are notified before startup and completion of the work at the Station.
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 Station, the Respondent is alleged to have failed to prevent the release of 1,845 barrels of crude oil on June 17 and 18, 2009, resulting in the unauthorized release of 10,771 pounds of volatile organic compounds during an emissions event lasting nine hours, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and (c)(7) and 122.143(4), New Source Review Permit No. 72661 Special Condition No. 1, Federal Operating Permit No. O-02691 Special Terms and Conditions No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 1 - 15, 2009. Because the release was due to human error, a valve had been left open during maintenance on the pipe manifold, the Respondent failed to meet the affirmative defense 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 Pipeline L.P., Docket No. 2009-1990-AIR-E" to:

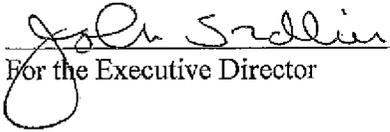
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

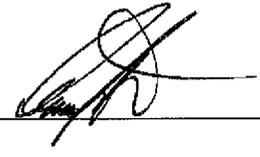
4/6/2010  
Date

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

2.18.10  
Date

DAVID JUSTIN  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Sunoco Pipeline L.P.

U.P. OPERATIONS  
\_\_\_\_\_  
Title

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