

Executive Summary – Enforcement Matter – Case No. 41006
Sunoco Partners Marketing & Terminals L.P.
RN100214626
Docket No. 2011-0106-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Sunoco Partners Nederland Terminal, located approximately one mile north of Nederland and north of the intersection of State Highway 347 and Farm-to-Market Road 366, Jefferson County

Type of Operation:

Petroleum marine terminal with secondary lubricating, oil blending, and packaging facility and marine petroleum cargo handling

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 29, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,200

Amount Deferred for Expedited Settlement: \$2,640

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$10,560

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

**Executive Summary – Enforcement Matter – Case No. 41006
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RN100214626
Docket No. 2011-0106-IWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: November 30, 2010
Date(s) of NOE(s): December 15, 2010

Violation Information

Failed to comply with permitted effluent limits for total suspended solids and oil and grease [Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0001151000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001151000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted limitations.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
TCEQ SEP Coordinator: N/A
Respondent: Mr. David Justin, Vice President of Operations, Sunoco Partners Marketing & Terminals, L.P., 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201-4234
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Dec-2010	Screening	31-Dec-2010	EPA Due	
	PCW	18-Jan-2011				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	41006	No. of Violations	1
Docket No.	2011-0106-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **177.0%** Enhancement **Subtotals 2, 3, & 7** **\$8,850**

Notes
Enhancement for 21 months of self-reported effluent violations, one NOV for similar violations and five NOVs for dissimilar violations and three Agreed Order with denial language. A reduction was given for one Notice of Intent to Audit letter and one Disclosure of Violations.

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** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$1,042**
Approx. Cost of Compliance **\$10,000**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$13,850**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-4.7%** **Adjustment** **-\$650**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes
Recommend reduction in the penalty to prevent double-enhancement of the penalty amount for same violations that were not self-reported and so that the monthly self-reported effluent violations do not overly impact the penalty.

Final Penalty Amount **\$13,200**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$13,200**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,640**

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 **\$10,560**

Screening Date 31-Dec-2010

Docket No. 2011-0106-IWD-E

PCW

Respondent Sunoco Partners Marketing & Terminals L.P.

Policy Revision 2 (September 2002)

Case ID No. 41006

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100214626

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	22	110%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%

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) 177%

>> 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

Enhancement for 21 months of self-reported effluent violations, one NOV for similar violations and five NOVs for dissimilar violations and three Agreed Order with denial language. A reduction was given for one Notice of Intent to Audit letter and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 177%

Screening Date 31-Dec-2010

Docket No. 2011-0106-IWD-E

PCW

Respondent Sunoco Partners Marketing & Terminals L.P.

Policy Revision 2 (September 2002)

Case ID No. 41006

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100214626

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001151000, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on November 30, 2010. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 5

213 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

Five quarterly events are recommended.

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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,042

Violation Final Penalty Total \$13,200

This violation Final Assessed Penalty (adjusted for limits) \$13,200

Economic Benefit Worksheet

Respondent Sunoco Partners Marketing & Terminals L.P.
Case ID No. 41006
Req. Ent. Reference No. RN100214626
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$10,000	30-Sep-2009	31-Oct-2011	2.08	\$1,042	n/a	\$1,042

Notes for DELAYED costs

The estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. Date required is the month the first non-compliant excursion was documented. Final date is the expected date of 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

\$10,000

TOTAL

\$1,042

Compliance History

Customer/Respondent/Owner-Operator:	CN601403199	Sunoco Partners Marketing & Terminals L.P.	Classification: AVERAGE	Rating: 3.65
Regulated Entity:	RN100214626	SUNOCO PARTNERS NEDERLAND TERMINAL	Classification: AVERAGE	Site Rating: 14.40
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0091L	
	AIR OPERATING PERMITS	PERMIT	1573	
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD045196565	
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	32500	
	AIR NEW SOURCE PERMITS	AFS NUM	4824500057	
	AIR NEW SOURCE PERMITS	REGISTRATION	93638	
	AIR NEW SOURCE PERMITS	PERMIT	1980	
	AIR NEW SOURCE PERMITS	REGISTRATION	4338	
	AIR NEW SOURCE PERMITS	PERMIT	5691	
	AIR NEW SOURCE PERMITS	PERMIT	7394	
	AIR NEW SOURCE PERMITS	PERMIT	10476	
	AIR NEW SOURCE PERMITS	PERMIT	10644	
	AIR NEW SOURCE PERMITS	PERMIT	11669	
	AIR NEW SOURCE PERMITS	PERMIT	12268	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0091L	
	AIR NEW SOURCE PERMITS	REGISTRATION	56505	
	AIR NEW SOURCE PERMITS	PERMIT	56508	
	AIR NEW SOURCE PERMITS	REGISTRATION	91825	
	AIR NEW SOURCE PERMITS	REGISTRATION	84378	
	WATER LICENSING	LICENSE	1230065	
	WASTEWATER	EPA ID	TX0005746	
	WASTEWATER	PERMIT	WQ0001151000	
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0091L	
Location:	located approximately one mile north of Nederland and north of the intersection of State Highway 347 and Farm-to-Market Road 366 in Jefferson County, Texas			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	January 21, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 12, 2006 to January 12, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Cheryl Thompson		Phone:	(817) 588-5886

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 |
- Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Effective Date: 04/14/2006 | ADMINORDER 2005-0519-AIR-E |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) | |
| 5C THC Chapter 382, SubChapter A 382.085(b) | |
| Rqmt Prov: 5415 PERMIT | |
| 56508 PERMIT | |
| 5691 PERMIT | |
| 5757 PERMIT | |
| Description: Failed to equip 11 open-ended valves or lines with a cap, blind flange, plug, or a second valve. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) | |
| 30 TAC Chapter 122, SubChapter B 122.143(4) | |
| 5C THC Chapter 382, SubChapter A 382.085(b) | |
| Rqmt Prov: 5415 PERMIT | |
| 5691 PERMIT | |
| 5757 PERMIT | |
| SC 7F PERMIT | |
| Special Condition 9A OP | |
| Description: Failed to monitor components two inches and smaller at the following units: Tank 1542, Tank 1541 and central manifold associated with Permit 5757; Ship Docks 3, 4, and 5 associated with Permit 5691, Tanks 205, 1544, 1545, 1547, 1548, 1549 and 1550, DOE pumps, central manifold, mainline pumps and rotation mani | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) | |
| 30 TAC Chapter 122, SubChapter B 122.143(4) | |
| 5C THC Chapter 382, SubChapter A 382.085(b) | |
| Rqmt Prov: 56508 PERMIT | |
| Special Condition 9A OP | |

Description: Failed to monitor 349 valves during First Quarter 2004. B,19,g,1

Classification: Moderate

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

Rqmt Prov: 56508 PERMIT
Special Condition 9A OP

Description: Failed to identify the dock flare fugitive components that are exempt from monitoring and should be listed on the excluded equipment list. B18

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(A)
30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)

30 TAC Chapter 106, SubChapter A 106.8(c)(5)
30 TAC Chapter 106, SubChapter A 106.8(c)(6)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain records sufficient to demonstrate compliance with all applicable general requirements, Permit by Rule conditions, and emission limitations certified by a PI-8 submitted on August 8, 2002 by failing to monitor and record emission rates for 61 valves and 400 flanges associated with Tanks 204. A8c1G

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 56508 PERMIT
Special Condition 9A OP

Description: Failed to properly monitor according to Method 21 The probe tip was not held perpendicular to the leak interface during monitoring. A8c1G

Classification: Moderate

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

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

Description: Failed to submit a deviation report for the period March 25 to September 25, 2003 and to include failing to monitor components in the deviations report and annual compliance certification submitted for the period September 25, 2003 to March 2004. A8c1E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Varied from fugitive emission representations listed in the PI-8 certification submitted on August 8, 2002 for Tanks 204, 205, 1502, 1515, 1546, 1551, 1552, and 1554 by not monitoring the tanks. A8c2Aii

Effective Date: 08/10/2007

ADMINORDER 2006-0942-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failed to prevent the unauthorized discharge of hydrocarbon onto the ground, in violation of 30 Tex. Admin. Code § 335.4, as documented during an investigation conducted on April 13, 2006. Specifically, the first discharge was located at the bunker area and impacted an area of 30 feet by 50 feet; the second discharge

Classification: Moderate

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

Description: Failed to update the Notice of Registration ("NOR"), in violation of 30 Tex. Admin. Code § 335.6(c), as documented during an investigation conducted on April 13, 2006. Specifically, two wastewater ponds and two wastewater tanks were not on the NOR.

Classification: Minor

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

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

Classification: Moderate

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

Description: Failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal

Classification: Major

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

Description: Failed to obtain authorization to process a hazardous waste (naphtha). Specifically, spent naphtha from a parts washer bin was discharged into a nearby sump and pumped into tank nos. 1513 and 1514 and then the tank bottoms (wastewater) were discharged to aeration tank no. 1506

Classification: Moderate

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

Rqmt Prov: OpR 1 PERMIT

Description: Failed to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with the permit conditions. The oil and water separator and grit tank were observed to be severely corroded. The grit tank was lea

Classification: Moderate

Citation: TWC Chapter 26 26.121(c)

Rqmt Prov: PC2g PERMIT

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

Classification: Moderate

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

Rqmt Prov: EL&MR 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: OR 6 PERMIT

Description: Failed to prevent the introduction of a waste not authorized by permit into the wastewater treatment facility, spent naphtha was vacuumed from the parts washer bin and placed into a sump which lifted the waste to the equalization tanks (Tank Nos. 1513 and 1514).

Classification: Moderate

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

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

Effective Date: 11/27/2009

ADMINORDER 2009-0844-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to visually inspect external floating roof tanks once every six months. EIC B,1. MOD(2)(E).

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to maintain vacuum breaker vents in a closed sealed position on external floating roof storage tanks. EIC B,18. MOD(2)(G).

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report the occurrence of deviations on semiannual deviation reports within the appropriate time frame; and failure to accurately certify the Annual Compliance Certification for the period February 26, 2007 through February 26, 2008. EIC B,3. MOD(2)(B).

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.247(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 4D OP

Description: Failure to submit the regulated entity's monthly gasoline throughput on an annual basis no later than January 31 of each year. EIC B,3. MOD(2)(B).

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to record 98% of the daily observations of the Flare. EIC C,3. MOD(2)(G).

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 3B(v)(1) OP

Description: Failure to perform quarterly opacity observations of all stationary vents. EIC B,1. MOD(2)(G).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: 5C THSC Chapter 382 382.085(b)
Special Condition 10A PERMIT
Special Condition 11 OP

Description: Failure to stack test the portable thermal oxidizers within the past twelve months of the degassing event. EIC A,8,C,1,G. MOD(2)(G)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov:

Special Condition 11 ORDER
Special Condition 5E PERMIT

Description: Failure to seal several open-ended lines with a cap, plug, or blind flange. EIC C,10. MOD (2)(D)

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	05/01/2006	(458210)
2	04/21/2006	(458339)
3	05/30/2006	(462574)
4	05/30/2006	(463018)
5	02/17/2006	(468407)
6	03/20/2006	(468408)
7	07/13/2006	(482099)
8	04/20/2006	(498177)
9	05/22/2006	(498178)
10	08/25/2006	(510119)
11	07/12/2006	(520183)
12	08/18/2006	(520184)
13	09/29/2006	(520185)
14	10/30/2006	(520186)
15	10/27/2006	(520187)
16	02/13/2007	(534601)
17	02/19/2007	(544474)
18	12/19/2006	(544475)
19	01/19/2007	(544476)
20	06/25/2007	(558799)
21	07/23/2007	(562373)
22	09/28/2007	(572537)
23	03/16/2007	(575265)
24	04/20/2007	(575266)
25	05/18/2007	(575267)
26	06/19/2007	(575268)
27	07/20/2007	(575269)
28	04/28/2008	(596874)
29	12/14/2007	(598725)
30	08/20/2007	(601604)
31	09/20/2007	(601605)
32	10/19/2007	(601606)
33	02/19/2008	(612207)
34	11/19/2007	(619509)
35	12/20/2007	(619510)
36	01/18/2008	(619511)
37	02/19/2008	(672025)
38	03/12/2008	(672026)
39	04/11/2008	(672027)
40	10/07/2008	(684395)
41	07/24/2008	(686097)
42	07/22/2008	(687196)
43	05/20/2008	(689945)
44	06/17/2008	(689946)
45	08/10/2006	(689947)
46	07/14/2008	(689948)
47	08/18/2008	(710726)
48	09/22/2008	(710727)
49	10/16/2008	(710728)
50	01/15/2009	(722851)
51	11/20/2008	(727477)
52	12/19/2008	(727478)
53	01/19/2009	(727479)
54	05/08/2009	(738395)
55	02/20/2009	(750261)

56	03/20/2009	(750262)
57	04/20/2009	(750263)
58	06/22/2009	(759356)
59	10/09/2009	(760794)
60	10/05/2009	(764951)
61	10/05/2009	(764969)
62	05/19/2009	(768347)
63	06/15/2009	(768348)
64	06/22/2010	(796634)
65	05/26/2010	(797670)
66	02/17/2010	(804628)
67	07/21/2009	(804629)
68	08/20/2009	(804630)
69	09/17/2009	(804631)
70	10/19/2009	(804632)
71	11/18/2009	(804633)
72	12/17/2009	(804634)
73	01/19/2010	(804635)
74	05/26/2010	(824760)
75	03/20/2010	(830873)
76	04/26/2010	(830874)
77	05/20/2010	(830875)
78	06/17/2010	(846265)
79	07/20/2010	(860859)
80	08/19/2010	(866827)
81	11/01/2010	(870940)
82	09/20/2010	(873898)
83	11/30/2010	(879515)
84	12/16/2010	(879727)
85	10/20/2010	(881499)
86	11/17/2010	(888028)

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

Date: 05/01/2006 (458210) CN601403199
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(i)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Permit O-1573 Special Condition 12 OP
 Description: Failure to register the degreasing unit using Form PI-7 and a Degreasing Unit Checklist.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)
 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Permit O-1573 Special Condition 12 OP
 Description: Failure to maintain monthly records of the total solvent makeup.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(C)
 30 TAC Chapter 115, SubChapter E 115.412(1)(F)(iv)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Permit O-1573 Special Condition 12 OP

Description: Failure to remove two wooden handle paint brushes from the degreasing unit.
 Failure to remove two wooden handle paint brushes from the degreasing unit.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to keep Water Separation Tank 1513 and 1514 vapor-tight.

Date: 06/30/2006 (689947) CN601403199
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/25/2006 (510119) CN601403199
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Self-reporting Requirements PERMIT
 Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

Date: 10/31/2006 (520187) CN601403199
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:	TWC Chapter 26 26.121(a)			
Date:	01/31/2007	(544474)	CN601403199	
Self Report?	YES			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	02/14/2007	(534601)	CN601403199	
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter D 382.085(b) O-01573, General Terms and Conditions OP			
Description:	Failure to report deviations in semiannual deviation reports.			
Date:	10/31/2007	(619509)	CN601403199	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2007	(619511)	CN601403199	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	01/31/2008	(672025)	CN601403199	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	02/29/2008	(672026)	CN601403199	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	03/31/2008	(672027)	CN601403199	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	04/29/2008	(596874)	CN601403199	
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THSC Chapter 382 382.085(b) O-01573, General Terms and Conditions OP			
Description:	Failure to submit a semi-annual deviation report no later than thirty (30) days after the reporting period.			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.114(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01573, General Terms and Conditions OP O-01573, Special Condition 1A OP			
Description:	Failure to repair items or empty and degas four (4) external floating roof storage tanks within sixty (60) days.			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.221(a) 30 TAC Chapter 106, SubChapter X 106.532(1)(N) 30 TAC Chapter 115, SubChapter B 115.131(a) 30 TAC Chapter 115, SubChapter B 115.132(a)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01573, Special Condition 11 OP O-01573, Special Condition 1A OP			
Description:	Failure to properly control Volatile Organic Compounds (VOCs) with a vapor recovery system.			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 56508, Special Condition 13H PERMIT 5C THSC Chapter 382 382.085(b) O-01573, General Terms and Conditions OP O-01573, Special Condition 11A OP			
Description:	Failure to repair valves within 15 days after the discovery of leaks.			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01573, General Terms and Conditions OP O-01573, Special Condition 1A OP			
Description:	Failure to maintain a vacuum breaker vent on Tank 1541 (an external floating roof storage vessel) closed at all times.			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b)			

Description:	O-01573, General Terms and Conditions OP		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i) 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii) 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii) 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv) 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v) 5C THSC Chapter 382 382.085(b)		
Description:	O-01573, General Terms and Conditions OP Failure to accurately certify compliance in the Annual Compliance Certification (ACC).		
Date:	06/30/2008	(689948)	CN601403199
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/24/2008	(686097)	CN601403199
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c) MRR PERMIT		
Description:	Failure by Sunoco Logistics Nederland Marine Terminal to properly maintain records of calibration.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c) MRR PERMIT		
Description:	Failure by Sunoco Logistics Nederland Marine Terminal to maintain Discharge Monitoring Reports.		
Date:	07/31/2008	(710726)	CN601403199
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2008	(710727)	CN601403199
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2008	(710728)	CN601403199
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2009	(750261)	CN601403199
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2009	(804630)	CN601403199
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2009	(804632)	CN601403199
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2009	(804635)	CN601403199
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2010	(830875)	CN601403199
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/26/2010	(797670)	CN601403199
Self Report?	NO	Classification:	Moderate
Citation:	EL&MR 1 PERMIT		
Description:	Failure by the permittee to comply with an effluent limitation. B19, Moderate 2D		
Self Report?	NO	Classification:	Minor
Citation:	D&SPC 3a PERMIT		
Description:	Failure by the permittee to properly collect composite samples. C1, Minor 3A		
Date:	06/30/2010	(860859)	CN601403199
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2010	(873898)	CN601403199
Self Report?	YES	Classification:	Moderate

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

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

Date: 09/30/2010 (881499) CN601403199

Self Report? YES Classification: Moderate

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

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

Date: 10/31/2010 (888028) CN601403199

Self Report? YES Classification: Moderate

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

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

F. Environmental audits.

Notice of Intent Date: 09/15/2006 (515172)

Disclosure Date: 03/14/2007

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211

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

Viol. Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.211

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

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
SUNOCO PARTNERS	§	
MARKETING & TERMINALS L.P.	§	
RN100214626	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2011-0106-IWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sunoco Partners Marketing & Terminals L.P. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. 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 petroleum marine terminal with secondary lubricating, oil blending, and packaging facility and marine petroleum cargo handling located approximately one mile north of Nederland and north of the intersection of State Highway 347 and Farm-to-Market Road 366 in Jefferson County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 20, 2010.
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 Thirteen Thousand Two Hundred Dollars (\$13,200) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Ten Thousand Five Hundred Sixty Dollars (\$10,560) of the administrative penalty and Two Thousand Six Hundred Forty Dollars (\$2,640) 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 Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001151000, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on November 30, 2010, as shown in the table below:

	TSS Daily Average Concentration	TSS Daily Maximum Concentration	Oil & Grease Daily Maximum Concentration
<i>Month/Year</i>	20 mg/L	35 mg/L	15 mg/L
September 2009	24.7	c	c
December 2009	c	c	16.1
April 2010	28	c	c
June 2010	26.8	36	c
August 2010	30	c	c
September 2010	24	c	c
October 2010	30.5	c	c

mg/L=milligrams per liter TSS=total suspended solids c=compliant

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sunoco Partners Marketing & Terminals L.P., Docket No. 2011-0106-IWD-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, within 90 days after the effective date of this Agreed Order, submit certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001151000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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 Facility 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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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 5/12/2011

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

March 17, 2011

Date

David Justin
Name (Printed or typed)
Authorized Representative of
Sunoco Partners Marketing & Terminals L.P.

Vice-President of 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.