

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103**

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

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In the matter of:)	
)	
Sunoco, Inc. (R&M))	Docket No. RCRA-03-2012-0281
100 Green Street)	
Marcus Hook, PA 19061)	
)	
RESPONDENT.)	Proceeding Under Section
)	3008(a) and (g) of the
Sunoco, Inc. (R&M))	Resource Conservation and
4701 Margaret Street)	Recovery Act, as amended,
Philadelphia, PA 19137)	42 U.S.C. § 6928(a) and (g)
)	
FACILITY.)	

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement ("CA") is entered into by the Director, Land and Chemicals Division, United States Environmental Protection Agency, Region III ("Complainant" or "EPA"), and Sunoco, Inc. (R&M) ("Respondent"), pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Pursuant to Section 22.13(b) of the Consolidated Rules of Practice, this CA and the attached Final Order ("FO", hereinafter jointly referred to as the "CA/FO") both commence and conclude the above-captioned administrative proceeding against Respondent, brought under Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a) and (g), for alleged violations of RCRA at Respondent's former facility at 4701 Margaret Street, Philadelphia, PA 19137 (the "Facility").
2. On January 30, 1986, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, the Commonwealth of Pennsylvania was granted final authorization to administer a state hazardous waste management program, the Pennsylvania Hazardous Waste Regulations ("PaHWR"), in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§6921-6939e. The PaHWR were subsequently revised by Pennsylvania and reauthorized by EPA on September 26, 2000 (effective on November 27, 2000), January 20, 2004 (effective on March 22, 2004), and April 29, 2009 (effective June 29, 2009). The

provisions of the authorized PaHWR, codified at 25 PA. Code Chapters 260a-266a, 266b, and 268a-270a, through such authorizations, have become requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

3. The factual allegations and legal conclusions in this CA are based on provisions of the PaHWR in effect at the time of the violations alleged herein. The PaHWR incorporates by reference certain federal hazardous waste management regulations that were in effect as of May 1, 1999 (and as of July 6, 1999 for certain regulations regarding Universal Waste) for the November 27, 2000 PaHWR authorization, June 28, 2001 for the March 22, 2004 PaHWR authorization, and October 12, 2005 for the April 29, 2009 PaHWR authorization.
4. This CA is entered into by Complainant and Respondent to address the violations alleged in the Findings of Fact, as set forth below.
5. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of this CA, as set forth in this CA/FO.
6. For the purposes of this proceeding only, Respondent neither admits nor denies the Findings of Fact contained in this CA, except as provided in Paragraph 5, above.
7. For the purposes of this proceeding only, Respondent neither admits nor denies the Conclusions of Law contained in this CA, except as provided in Paragraph 5, above.
8. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations herein or to appeal the FO attached hereto.
9. Respondent consents to the issuance of this CA and to the attached FO and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
10. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

Notice of Action to the Commonwealth of Pennsylvania

11. On May 14, 2012, EPA sent a letter to the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection ("PADEP"), giving Pennsylvania prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant alleges the following Findings of Fact and Conclusions of Law:

12. Respondent is, and was at the time of the violations alleged herein, a Pennsylvania corporation.
13. Respondent is, and was at the time of the violations alleged herein, a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), in 40 C.F.R. § 260.10 and 25 Pa. Code § 260a.10.
14. Respondent was at the time of the violations alleged herein, the “owner” and “operator” of a “facility” located at 4701 Margaret Street, Philadelphia, PA 19137, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1, and, with respect to the term “facility”, as defined in 25 Pa. Code § 260a.10. Respondent’ status as owners and/or operators of the Facility ended after it sold the Facility to a third party on or around July 22, 2011.
15. On September 28-29, 2010, representatives from EPA and the Pennsylvania Department of Environmental Protection (“PADEP”) conducted a Compliance Evaluation Inspection of the Facility. At the time of the September 28-29, 2010 inspection, and at all times relevant to the violations alleged in this CA/FO, Respondent was a large quantity “generator” of the “hazardous waste” at the Facility described herein as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1.
16. At the time of the September 28-29, 2010 inspection, and at all times relevant to this CA/FO, Respondent was engaged in the “storage” of “hazardous waste” in “tanks” at the Facility as described herein, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1 and/or as defined in 25 Pa. Code § 260a.10.
17. On May 24, 2011, December 22, 2011, and February 6, 2012, EPA issued formal information request letters (“IRLs”) to Respondent pursuant to Section 3007(a) of RCRA, 42 U.S.C. § 6927(a). Respondent responded to the IRLs on June 24, 2011, July 15, 2011, January 17, 2012, and March 6, 2012, respectively.

COUNT I

(Operating a Treatment, Storage, or Disposal Facility without a Permit or Interim Status)

18. The allegations of Paragraphs 1 through 17 of this Consent Agreement are incorporated herein by reference.
19. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), no person may

own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility.

20. Although the Pennsylvania Department of Environmental Protection issued Respondent a permit for hazardous waste treatment, storage and disposal (Permit #PAD002312791) on June 29, 1990, the permit does not address hazardous waste storage at Tank VT-132 or storage of spent lead-acid batteries, nor did the Facility have interim status for such storage.
21. Pursuant to 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), generators of hazardous waste who accumulate hazardous waste in containers, tanks, drip pads, or containment buildings on-site for less than 90 days are exempt from the requirement to obtain a permit for such accumulation, as long as the hazardous waste is stored in accordance with a number of conditions set forth in that section. These conditions include, *inter alia*, maintaining and operating the Facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human health or the environment. See 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. Part 262, including 40 C.F.R. § 262.34(a)(4), which, in turn, cross-references the requirements of 40 C.F.R. Part 265, Subpart C, including 40 C.F.R. § 265.31.
22. From June 13, 2008 until February 25, 2009, Respondent stored approximately five feet of phenol residue sludge in a tank identified as VT-132. Phenol residue sludge is a hazardous waste with an EPA Hazardous Waste Code of K022. The K022 hazardous waste was not completely cleaned out from the VT-132 tank until March 30, 2009.
23. For at least 291 days (from June 13, 2008 through March 30, 2009), “hazardous wastes” referred to in Paragraph 22, above, generated by Respondent were in “storage” in “tanks” at the Facility as those terms are defined by 25 Pa. Code § 260a.1, which incorporates by reference 40 C.F.R. § 260.10 and, with respect to the term “storage”, as defined in 25 Pa Code § 260a.10.
24. From September 11, 2008 through March 30, 2009, Respondent failed to qualify for the “less than 90 day” storage exemption from permitting requirements under 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), for the activities described in Paragraph 22, above, by failing to satisfy the conditions for such exemption (storage of hazardous waste for more than 90 days) as set forth in 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a).
25. On September 28, 2010, during EPA’s Facility Inspection, the inspector also observed that one of several lead-acid batteries in the bed of a golf cart had broken open and leaked battery acid into the golf cart bed. The battery acid is a hazardous waste exhibiting the characteristics of corrosivity (D002).

26. The leaking of battery acid hazardous waste referred to in Paragraph 25, above, indicates that the Facility was not being operated in a manner to minimize the possibility of a release of hazardous waste or hazardous waste constituents pursuant to 25 Pa. Code § 265a.1, which incorporates by reference 40 C.F.R. § 265.31(a).
27. In addition to the dates specified above in Paragraph 24, on September 28, 2010, Respondent also failed to qualify for the “less than 90 day” storage exemption from permitting requirements under 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a), for the activities described in Paragraph 25, above, by failing to satisfy the conditions for such exemption (failure to minimize the release of hazardous waste) as set forth in 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a).
28. Respondent has never had a permit or interim status pursuant to 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), or Section 3005 of RCRA, 42 U.S.C. § 6925, for the storage of the hazardous wastes described in Paragraphs 22 and 25, above, at the Facility.
29. Respondent was required by 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for the activities described in Paragraphs 22 and 25, above.
30. From at least September 11, 2008 to March 30, 2009 and again on September 28, 2010, Respondent violated 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), by storing hazardous waste at the Facility without a permit or interim status.

COUNT II

(Failure to Maintain the Facility to Minimize the Possibility of a Release)

31. The allegations of Paragraphs 1 through 30, above, are incorporated herein by reference.
32. 25 PA Code Section 264a.1, which incorporates by reference 40 C.F.R. § 264.31, provides that facilities be designed, constructed, maintained and operated to minimize the possibility of, *inter alia*, any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
33. On September 28, 2010, during EPA’s Facility Inspection, the inspector observed that one of several lead-acid batteries in the bed of a golf cart had broken open and leaked into the bed of the golf cart. As previously identified in Paragraph 25, the battery acid is a hazardous waste exhibiting the characteristics of corrosivity (D002).
34. As set forth above in Paragraph 33, on September 28, 2010, the leaking of the battery acid onto the bed of the golf cart indicates that the Respondent failed to minimize the

possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, and therefore, was in violation of waste minimization requirements of 25 PA Code Section 264a.1, which incorporates by reference 40 C.F.R. § 264.31.

COUNT III

(Failure to Keep Universal Waste Lamps in a Closed Container)

35. The allegations of Paragraphs 1 through 34, above, are incorporated herein by reference.
36. Pursuant to 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), a small quantity handler of universal waste must contain used lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed.
37. Respondent is a “small quantity handler of universal waste” as that term is defined in 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.9.
38. At the time of the September 28-29, 2010 inspection, a container storing universal waste “lamps,” as that term is defined in 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.9, at the Facility’s Catox Substation was not closed.
39. On September 29-29, 2010, Respondent violated 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1), by failing to store universal waste lamps in a closed container at the Facility.

III. CIVIL PENALTIES

40. Respondent agrees to pay a civil penalty in the amount of **ONE HUNDRED AND SEVENTEEN Thousand Dollars (\$117,000.00)**, in settlement and satisfaction of all civil claims for penalties which Complainant may have concerning the violations alleged and set forth in Section II (“EPA Findings of Fact and Conclusions of Law”) of this Consent Agreement. Such civil penalty shall become due and payable immediately upon Respondent’s receipt of a true and correct copy of the CAFO. In order to avoid the assessment of interest, administrative costs and late payment penalties in connection with such civil penalty, Respondent must pay such civil penalty no later than thirty (30) calendar days after the date on which a copy of this CAFO is mailed or hand-delivered to Respondent.
41. The civil penalty settlement amount set forth in Paragraph 40, immediately above, was determined after consideration of the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), which include the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were

applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June, 2003 ("RCRA Penalty Policy"), which reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g). Complainant has also considered the Adjustment of Civil Penalties for Inflation, 40 C.F.R. Part 19, and the November 16, 2009 memorandum by EPA Waste and Chemical Enforcement Division Director Rosemarie A. Kelley *Adjusted Penalty Policy Matrices Based on the 2008 Civil Monetary Penalty Inflation Adjustment Rule* ("Kelley Memorandum").

42. Payment of the civil penalty set forth in Paragraph 40, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with Paragraphs 44, 45, 46 and 47, below, shall be made by either cashier's check, certified check, or electronic wire transfer, in the following manner:
- a. All payments by Respondents shall reference Respondent's name and address, and the EPA Docket Number of this Consent Agreement, *i.e.*, RCRA-03-2012-0281;
 - b. All checks shall be made payable to "**United States Treasury**";
 - c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Customer service contact: 513-487-2105
 - d. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: 314-418-1028
 - e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read “**D 68010727
Environmental Protection Agency**”

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: 866-234-5681

- h. On-Line Payment Option: WWW.PAY.GOV

Enter **sfo 1.1** in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

43. At the time of payment, Respondent shall send a notice of such payment, including a copy of the check or electronic fund transfer, as applicable, to:

Ms. Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III

1650 Arch Street
Philadelphia, PA 19103-2029;

and

James Heenehan
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

44. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below.
45. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a Consent Agreement and Final Order begins to accrue on the date that a copy of the Consent Agreement and Final Order is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
46. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
47. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
48. The Respondent agrees not to deduct for federal tax purposes the civil monetary penalty specified in this Consent Agreement and the accompanying Final Order.

IV. CERTIFICATION OF COMPLIANCE

49. The person signing this CA on behalf of Respondent certifies to EPA by his or her signature herein that Respondent, to the best of Respondent's knowledge and belief, as of the date of Respondent's sale of the Facility to a third party on or around July 22, 2011,

was in compliance with all relevant provisions of the current authorized PaHWR and of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, for which violations are alleged in this Consent Agreement.

V. OTHER APPLICABLE LAWS

50. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law and/or regulation.

VI. RESERVATION OF RIGHTS

51. This CAFO resolves only EPA's claims for civil penalties for the specific violations which are alleged in this Consent Agreement. Nothing in this CAFO shall be construed as limiting the authority of EPA to undertake action against any person, including the Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the *Consolidated Rules of Practice*. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO following its filing with the Regional Hearing Clerk.

VII. FULL AND FINAL SATISFACTION

52. This settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under RCRA Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g), for the violations alleged in this Consent Agreement.

VIII. PARTIES BOUND

53. This Consent Agreement and the accompanying Final Order shall apply to and be binding upon the EPA, the Respondent, Respondent's officers and directors (in their official capacity) and Respondent's successors and assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent acknowledges that he or she is fully authorized to enter into this Consent Agreement and to bind the Respondent to the terms and conditions of this Consent Agreement and the accompanying Final Order.

IX. EFFECTIVE DATE

54. The effective date of this CAFO is the date on which the Final Order is filed with the Regional Hearing Clerk after signature by the Regional Administrator or his designee, the Regional Judicial Officer.


X. ENTIRE AGREEMENT

55. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

For Respondent:

Sunoco, Inc. (R&M):

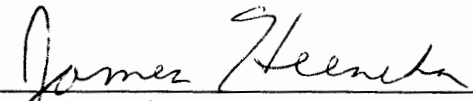
Date: 9/20/2012

By: 
John Pickering
Sr. Vice President, Sunoco Inc. (R&M)

For the Complainant:

**U.S. Environmental Protection Agency,
Region III**

Date: 9/21/2012

By: 
James Heenehan
Sr. Assistant Regional Counsel

After reviewing the EPA Findings of Fact, Conclusions of Law and other pertinent matters, the Land and Chemicals Division of the United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 9/24/12

By: 
Abraham Ferdas, Director
Land and Chemicals Division

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103**

In the matter of:

**Sunoco, Inc. (R&M)
100 Green Street
Marcus Hook, PA 19061**

RESPONDENT.

**Sunoco, Inc. (R&M)
4701 Margaret Street
Philadelphia, PA 19137**

FACILITY.

Docket No. RCRA-03-2012-0281

**Proceeding Under Section
3008(a) and (g) of the
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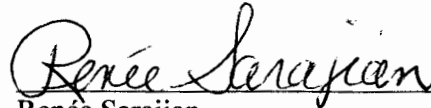
FINAL ORDER

Complainant, the Director, Land and Chemical Division, U.S. Environmental Protection Agency - Region III, and Respondent, Sunoco, Inc. (R&M), have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the Consolidated Rules of Practice and Section 3008(a) and (g) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a) and (g) ("RCRA"), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section § 3008(a)(3) and (g), 42 U.S.C. § 6928(a)(3) and (g), IT IS HEREBY ORDERED that Respondent pay a civil penalty of **One Hundred and Seventeen Thousand Dollars (\$117,000.00)**, as set forth in Section III of the Consent Agreement, and to comply with the terms and conditions of the Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

9/25/12
Date:

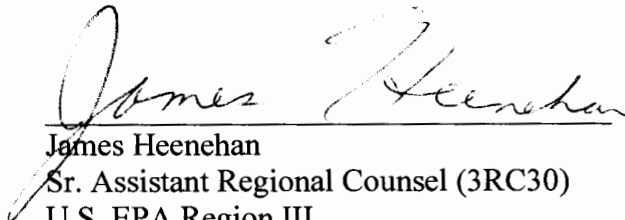

Renée Sarajian
Regional Judicial Officer
U.S. EPA, Region III

CERTIFICATE OF SERVICE

I certify that on the date noted below, I hand-delivered the original and one true and correct copy of the Consent Agreement and Final Order for *In the Matter of: Sunoco, Inc. (R&M)* (Docket No. RCRA-03-2012-0281), to the Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch St., Philadelphia, PA, 19103, and that I sent a true and correct copy of same to Respondent, Sunoco, Inc. (R&M), via UPS to the below-listed address:

For Respondent: Terry Soule
Sunoco, Inc. (R&M)
100 Green St.
Marcus Hook, PA 19061

9/25/12
Date


James Heenehan
Sr. Assistant Regional Counsel (3RC30)
U.S. EPA Region III

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