

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

This form was originated by: Jefferie Caracal 4/28/10
Name of Contact person Date

in the Regional Counsel Office at Region 3 (Ph.d.)
82687 Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
 Administrative Order/ Consent Agreement FMD COLLECTS PAYMENT

SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt This is a modification

Name of Company making payment: Synco INC (R+M)

The Total Dollar Amount of Receivable: \$80,912.00
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number 03-2010-0256

The Site-Specific Superfund Acct. Number N/A

The Designated Regional/HQ Program Office Oil Prevention

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
Name of Contact Date

in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

- 1. Rosemarie Pacheco
Environmental Enforcement Section
Lands Division, Room 130044
1425 New York Avenue, N.W.
Washington, D.C. 20005
- 2. Originating Office (ORC)
- 3. Designated Program Office

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

- 1. Originating Office
- 2. Designated Program Office
- 3. Regional Hearing Clerk



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**


| | | |
|--------------------------------|---|---|
| In the Matter of: |) | |
| |) | U.S. EPA Docket No.: CERCLA-03-2010-0256 |
| Sunoco, Inc. (R&M) |) | U.S. EPA Docket No.: EPCRA-03-2010-0256 |
| 1775 Market Street |) | |
| Philadelphia PA, 19103, |) | |
| |) | |
| |) | Proceedings Pursuant to Sections |
| |) | 103 and 109 of the Comprehensive |
| Respondent. |) | Environmental Response |
| |) | Compensation and Liability Act, as |
| |) | amended, ("CERCLA"), 42 U.S.C. |
| |) | §§ 9603 and 9609, and Sections 304, 312 |
| |) | and 325 of the Emergency |
| Sunoco, Inc. (R&M) |) | Planning and Community |
| 3144 Passyunk Avenue |) | Right-to-Know Act, ("EPCRA") |
| Philadelphia, PA 19145 |) | 42 U.S.C. §§ 11004, 11022 and 11045. |
| |) | |
| Facility. |) | |

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of the signed Consent Agreement and Final Order with the Regional Hearing Clerk, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order were sent by first class mail to:

Arnie Dodderer, Senior Counsel
Sunoco, Inc.
Philadelphia Refinery
3144 Passyunk Avenue
Philadelphia, PA 19145-5299

5-27-16
DATE

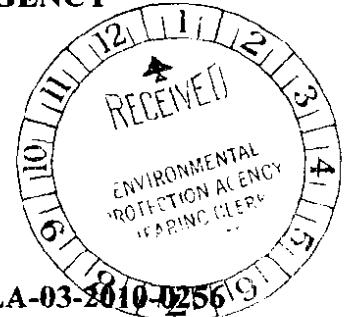


Jefferie E. Garcia (3RC42)
Assistant Regional Counsel
Counsel for Complainant
(215) 814-2697

MAY 27 2010



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



In the Matter of:)

Sunoco, Inc. (R&M))
1775 Market Street)
Philadelphia PA, 19103,)

Respondent.)

Sunoco, Inc. (R&M))
3144 Passyunk Avenue)
Philadelphia, PA 19145)

Facility.)

U.S. EPA Docket No.: CERCLA-03-2010-0256
U.S. EPA Docket No.: EPCRA-03-2010-0256

Proceedings Pursuant to Sections
103 and 109 of the Comprehensive
Environmental Response
Compensation and Liability Act, as
amended, ("CERCLA"), 42 U.S.C.
§§ 9603 and 9609, and Sections 304, 312
and 325 of the Emergency
Planning and Community
Right-to-Know Act, ("EPCRA")
42 U.S.C. §§ 11004, 11022 and 11045.

CONSENT AGREEMENT AND FINAL ORDER

STATUTORY AUTHORITY

This Consent Agreement ("CA") is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, ("CERCLA"), 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045 as well as under the authority provided by the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, ("Part 22"). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III ("Complainant").

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as "CA/FO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

EPA'S FINDINGS OF FACT

EPA makes the following findings of fact, which except for the facts supporting the jurisdictional allegations, Respondent neither admits nor denies:

1. Respondent, Sunoco, Inc. (R&M), ("Sunoco"), is a Pennsylvania corporation with its principal place of business located at 1735 Market Street, Philadelphia, Pennsylvania.
2. As a corporation, Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.
3. Beginning in approximately 1994, and at all times relevant to this CA/FO, Respondent was the owner or operator of the Facility located at 3144 Passyunk Avenue in Philadelphia, Pennsylvania (hereinafter the "Facility"), within the meaning of Sections 304, 311 and 312 of EPCRA, 42 U.S.C. §§ 11004, 11021 and 11022, and was in charge of the Facility, within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
4. The Facility is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and their respective regulations, 40 C.F.R. §§ 302.3, 355.61 and 370.66.
5. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of EPA to publish a list of substances designated as hazardous substances which, when released into the environment, may present a substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304(a) of EPCRA, 42 U.S.C. § 11004(a) ("Reportable Quantity" or "RQ"). The list of hazardous substances is codified at 40 C.F.R. § 302.4.
6. The State Emergency Response Commission ("SERC") for the Facility is, and has been at all times relevant to this CA/FO, the Pennsylvania Emergency Management Agency located at 2605 Interstate Drive, Harrisburg, PA 17110.

7. The Local Emergency Planning Committee ("LEPC") for the Facility is, and has been at all times relevant to this CA/FO, the Philadelphia Office of Emergency Management located at 1401 JFK Boulevard, Room 1430, Philadelphia, PA 19102.

8. The Local Fire Department for the Facility is, and has been at all times relevant to this CA/FO, the Philadelphia Fire Department, Hazardous Materials Unit, 5200 Pennypack Street, Philadelphia, PA 19136.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 103 OF CERCLA AND 304 OF EPCRA**

9. The findings of fact contained in paragraphs 1 through 8 of this CA/FO are incorporated by reference herein as though fully set forth at length.

10. Beginning on or about January 28, 2007, at or about 10:13 a.m. (1013 hours), Eastern Standard Time, an estimated one thousand six hundred and eight (1,608) pounds of benzene, Chemical Abstracts Service ("CAS") No. 71-43-2, was released from the Facility (the "Release").

11. The Release from Respondent's Facility constitutes a release of a hazardous substance in a quantity equal to, or greater than, the RQ of ten (10) pounds for that hazardous substance as listed in 40 C.F.R. Part 302, Table 302.4.

12. On or about December 15, 2009, EPA issued a Show Cause letter to Sunoco indicating that the Agency was considering the assessment of penalties against Sunoco for violations of Section 103 of CERCLA, 42 U.S.C. § 9603, and Sections 304 and 312 of EPCRA, 42 U.S.C. § 11004.

13. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, the owner or operator of a facility at which hazardous chemicals are produced, used or stored, as soon as he/she has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to, or greater than, the RQ, to immediately notify the National Response Center ("NRC") established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), of such release.

14. Section 304(a) and 304(b) of EPCRA, 42 U.S.C. § 11004(a),(b), as implemented by 40 C.F.R. § 355.40, requires, in relevant part, the owner or operator of a facility at which hazardous chemicals are produced, used or stored, to immediately notify the SERC when there has been a release of a hazardous substance or an extremely hazardous substance in a quantity

equal to, or greater than, the RQ for that hazardous substance or an extremely hazardous substance.

15. Section 304(a) and 304(b) of EPCRA, 42 U.S.C. § 11004(a),(b), as implemented by 40 C.F.R. § 355.40, requires, in relevant part, the owner or operator of a facility at which hazardous chemicals are produced, used or stored, to immediately notify the LEPC when there has been a release of a hazardous substance or an extremely hazardous substance in a quantity equal to, or greater than, the RQ for that hazardous substance or extremely hazardous substance.

16. On or about January 30, 2007, at or about 9:00 a.m. (0900 hours), Eastern Standard Time, Respondent notified the NRC, SERC, and LEPC of the Release.

**EPA'S CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 103 OF CERCLA AND 304 OF EPCRA**

17. The Release was not a "federally permitted release" as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

18. Although Respondent notified the NRC, SERC, and LEPC of the Release, Respondent did not immediately notify the NRC, SERC, or LEPC of the Release as required by Section 103 of CERCLA, 42 U.S.C. § 9603, and Section 304 of EPCRA, 42 U.S.C. § 11004. Immediate notification is required as soon as the Respondent knew or should have known of the Release.

19. Respondent's failure to immediately notify the NRC as soon as the Respondent knew or should have known of the release of benzene from the Facility in an amount equal to or in excess of its applicable RQ, is a violation of Section 103 of CERCLA, 42 U.S.C. § 9603. Therefore, Respondent is subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

20. Respondent's failure to immediately notify the SERC of the Release constitutes a violation of Section 304(a) and 304(b) of EPCRA, 42 U.S.C. § 11004(a),(b). Therefore, Respondent is subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

21. Respondent's failure to immediately notify the LEPC of the Release constitutes a violation of Section 304(a) and 304(b) of EPCRA, 42 U.S.C. § 11004(a),(b). Therefore, Respondent is subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

**EPA'S FINDINGS OF FACT RELATED TO THE
VIOLATION OF SECTION 312 OF EPCRA**

22. The findings of fact contained in paragraphs 1 through 21 of this CA/FO are incorporated by reference herein as though fully set forth at length.

23. Section 312 of EPCRA, 42 U.S.C. § 11022, as implemented by 40 C.F.R. Part 370, requires the owner or operator of a facility required to prepare or have available a Material Safety Data Sheet ("MSDS") for a hazardous chemical in accordance with the OSHA Hazard Communication Standard, 29 U.S.C. §§ 651 *et seq.*, and 29 C.F.R. § 1910.1200, and at which facility a hazardous chemical (including, but not limited to, a hazardous chemical which also qualifies as an EHS) is present at any one time during a calendar year in a quantity equal to or greater than its applicable Minimum Threshold Limit ("MTL") or Threshold Planning Quantity (TPQ), established by 40 C.F.R. § 370.10, to submit on or before March 1, 1988, and by March 1st of each year thereafter, a completed Emergency and Hazardous Chemical Inventory Form ("Chemical Inventory Form") identifying the hazardous chemical and providing the information described in Section 312(d)(1) of EPCRA, 42 U.S.C. § 11022(d)(1), to the appropriate SERC, LEPC, and local fire department with jurisdiction over the facility.

24. Benzene, Chemical Abstracts Service ("CAS") No. 71-43-2 is a "hazardous chemical" as defined by Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), 40 C.F.R. § 370.66. Ammonia, Chemical Abstracts Service ("CAS") No. 7664-41-7 is an "extremely hazardous substance" as defined in Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), and 40 C.F.R. § 370.66, and as listed in 40 C.F.R. Part 355, Appendices A and B.

25. Pursuant to 40 C.F.R. § 370.10, the MTL and TPQ for Benzene and Ammonia are 10,000 pounds and 500 pounds, respectively.

26. At all times relevant to this CA/FO, Respondent was a person engaged in a business where chemicals were used, distributed, or produced for use or distribution.

27. At all times relevant to this CA/FO, Respondent was an "employer" as that term is defined at 29 C.F.R. § 1910.1200(c).

28. During calendar year 2006, Respondent had present at its Facility Benzene and Ammonia, in quantities greater than their respective MTLs.

29. By March 1, 2007, Respondent was required to submit to the SERC, LEPC, and local fire department Chemical Inventory Forms identifying Benzene and Ammonia, as present at the Facility during calendar year 2006 in quantities greater than their respective MTLs, and providing

the information required by Section 312(d) of EPCRA, 42 U.S.C. § 11022(d), about those chemicals.

30. Respondent failed to timely submit to the LEPC and local Fire Department by March 1, 2007, a complete and accurate Chemical Inventory Form for the Facility for calendar year 2006. Respondent submitted the Chemical Inventory Form for calendar year 2006 on March 29, 2007.

EPA'S CONCLUSION OF LAW RELATED TO THE VIOLATION OF SECTION 312 OF EPCRA

31. Respondent's failure to timely submit a complete and accurate Chemical Inventory Form for the Facility to the LEPC and local Fire Department by March 1, 2007, constitutes a violation of Section 312 of EPCRA, 42 U.S.C. § 11022, and is, therefore, subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

CIVIL PENALTY

32. For the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violations of CERCLA Section 103(a), 42 U.S.C. § 9603(a), and EPCRA Sections 304(a) and 304(b), and 312, 42 U.S.C. § 11004(a),(b), 11022 in the total amount of \$80,912.00.

PAYMENT TERMS

33. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalty described in this CA/FO, the Respondent must pay the civil penalty no later than thirty (30) days after the effective date of the Final Order (the "final due date"). A payment of \$22,672.00 shall be made for the CERCLA portion of the penalty. An additional payment of \$58,240.00 shall be made for the EPCRA portion of penalty.

34. Payment shall be made as follows:

a. If payment is to be made by cashier's check, separate CERCLA and EPCRA payment cashier checks shall be made as follows.

i. The CERCLA portion of the penalty, payable to "EPA-Hazardous Substances Superfund," in care of:

U.S. Environmental Protection Agency
Attn: Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

Contact: Natalie Pearson, (314-418-4087)

If the cashier's check is sent overnight mail, it should be sent to:

U.S. Environmental Protection Agency
ATTENTION: Superfund Payments
U.S. Bank
1005 Convention Plaza
Mail Station FL-MO-C2GL
St. Louis, MO 63101

Contact Natalie Pearson, (314-418-4087)

The Respondent shall note on the CERCLA penalty-payment cashier's check the title and docket number of this case.

- ii. The EPCRA portion of the penalty, payable to "United States Treasury" in care of:

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

If check is sent via overnight mail, it should be sent to:

U.S. Environmental Protection Agency
Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station FL-MO-C2GL
St. Louis, MO 63101

The Respondent shall note on the EPCRA penalty-payment cashier's check the title and docket number of this case.

b. Payment may be made via EFT (wire transfer) 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"

c. Payment may be made via Automated Clearinghouse (ACH) to:

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
808 17th Street, NW
Washington, DC 20074
Contact - Jesse White 301-887-6548
ABA = 051036706
Transaction Code 22 - checking
Environmental Protection Agency
Account 310006
CTX Format

d. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV
Enter sfo 1.1 in the search field. Open and complete the form.

35. The Respondent shall submit a copy of the checks, or verification of wire transfer or ACH to the following persons:

Lydia Guy (3RC00)
Regional Hearing Clerk
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

Jefferie E. Garcia (3RC42)
Senior Assistant Regional Counsel
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

36. The CERCLA civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 109 of CERCLA, 42 U.S.C. § 9609, and is consistent with 40 C.F.R. Part 19 and the *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, (September 30, 1999)*.

37. The EPCRA civil penalties stated herein are based upon Complainant's consideration of a number of factors, including, but not limited to, the penalty criteria set forth in Section 325 of EPCRA, 42 U.S.C. § 11045, and are consistent with 40 C.F.R. Part 19 and the *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, (September 30, 1999)*.

38. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest 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. Accordingly, Respondent's failure to make timely payment by the final due date or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges, including interest, penalties, and/or administrative costs of handling delinquent debts.

39. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the final due date. 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).

40. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to 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 final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

41. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

42. Failure by the Respondent to pay the \$80,912.00 penalty assessed by the Final Order ("FO") in full by the final due date may subject Respondent to a civil action to collect the assessed

penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

GENERAL PROVISIONS

43. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations set forth above.

44. For the purpose of this proceeding, Respondent agrees not to contest the Environmental Protection Agency's jurisdiction with respect to the execution or enforcement of the CA/FO.

45. For the purpose of this proceeding, Respondent neither admits nor denies factual allegations and conclusions of law set forth in this CA/FO, but expressly waives its rights to contest said allegations in this proceeding.

46. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the FO under Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045.

47. The provisions of this CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this CA on behalf of the Respondent is acknowledging that he or she is fully authorized by the party represented to execute this CA and to legally bind Respondent to the terms and conditions of the CA and accompanying FO.

48. This CA/FO resolves only those civil claims that are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent, in response to any condition that Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

49. Each party to this action shall bear its own costs and attorney's fees.

50. By entering into this CA/FO, the Respondent does not admit any liability for the civil claims alleged herein.

In the Matter of: Sunoco, Inc. (R&M)

U.S. EPA Docket Nos. CERCLA-03-2010-0256
EPCRA-03-2010-0256

FOR SUNOCO, INC. (R&M)

Kevin Robles

SIGNATURE

Title:

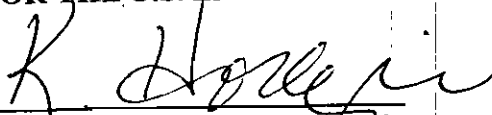
APRIL 29, 2010

DATE

In the Matter of: Sunoco, Inc. (R&M)

U.S. EPA Docket Nos. CERCLA-03-2010-0256
EPCRA-03-2010-0256

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Kathryn A. Hodgkiss, Acting Director
Hazardous Site Cleanup Division

5/19/10
DATE



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:

**Sunoco, Inc. (R&M)
1775 Market Street
Philadelphia PA, 19103,**

Respondent.

**Sunoco, Inc. (R&M)
3144 Passyunk Avenue
Philadelphia, PA 19145**

Facility.


)
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) **U.S. EPA Docket No.: CERCLA-03-2010-0256**
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) **Proceedings Pursuant to Sections**
) **103 and 109 of the Comprehensive**
) **Environmental Response**
) **Compensation and Liability Act, as**
) **amended, ("CERCLA"), 42 U.S.C.**
) **§§ 9603 and 9609, and Sections 304, 312**
) **and 325 of the Emergency**
) **Planning and Community**
) **Right-to-Know Act, ("EPCRA")**
) **42 U.S.C. §§ 11004, 11022 and 11045.**
)
)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of the signed Consent Agreement and Final Order with the Regional Hearing Clerk, U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that true and correct copies of the Consent Agreement and Final Order were sent by first class mail to:

Arnie Dodderer, Senior Counsel
Sunoco, Inc.
Philadelphia Refinery
3144 Passyunk Avenue
Philadelphia, PA 19145-5299

5-27-10
DATE



Jefferie E. Garcia (3RC42)
Assistant Regional Counsel
Counsel for Complainant
(215) 814-2697