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December 12, 2007

**VIA FEDEX**

Regional Hearing Clerk  
U.S. EPA Region 2  
290 Broadway, 16th Floor  
New York, NY 10007-1866

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REGION 2  
2007 DEC 13 PM 2:53  
REGIONAL HEARING  
CLERK


Re: In the Matter of: Sunoco, Inc., EPA Docket No.: CERCLA-02-2008-2004

Dear Clerk:

Enclosed for filing are an original and a copy of Sunoco, Inc.'s Answer and Request for Hearing in the above-captioned case. I have also enclosed a second copy, and if possible, I would appreciate it if you would date and time stamp it, and return it to me using the self-addressed stamped envelope provided.

Thank you for you help with this matter.

Sincerely,

  
Amy M. Lincoln

Enclosures

675741v1 Washington 011816

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2001 DEC 13 PM 2: 53  
REGIONAL HEARING  
CLERK

In the Matter of: )  
)  
Sunoco, Inc. )  
Eagle Point Facility )  
Route 130 and I-295 South )  
Westville, NJ )  
)  
Respondent. )  
)

EPA Docket No.: CERCLA-02-2008-2004

**ANSWER AND REQUEST FOR HEARING  
BY SUNOCO, INC.**

Sunoco, Inc. ("Sunoco") hereby answers, through undersigned counsel, the Administrative Complaint ("Complaint") filed by the United States Environmental Protection Agency ("EPA") Region 2 in the above-captioned case, according to the numbered paragraphs thereof. Sunoco specifically denies each and every allegation except as admitted to herein. This submittal also contains a formal request for a hearing in connection with the Complaint.

**STATUTORY AUTHORITY**

1. Paragraph 1 contains conclusions of law to which no response is required.
2. Paragraph 2 contains statements of law to which no response is required.
3. Paragraph 3 contains conclusions of law to which no response is required.

**FINDINGS OF VIOLATIONS**

4. Paragraph 4 contains conclusions of law to which no response is required.

5. Respondent Sunoco, Inc. denies the factual allegation in Paragraph 5 that Sunoco, Inc. “owns and/or operates the Eagle Point Facility[.]” The Eagle Point Facility, located at Route 130 and I-295 South in Westville, New Jersey (the “Facility”) is owned and operated by Sunoco, Inc. (R&M), a wholly owned subsidiary of Sunoco, Inc.
6. Paragraph 6 contains a conclusion of law to which no response is required.
7. Sunoco, Inc. denies the factual allegation in Paragraph 7 that Sunoco, Inc. was “in charge of the Facility at all times referred to [in the Complaint].” During the period referred to in the Complaint (*i.e.*, beginning on or about December 20, 2005 and ending on or about September 9, 2006), the Facility was owned and operated by Sunoco, Inc. (R&M).
8. Sunoco, Inc. denies that sulfur dioxide was “used and/or created at the Facility” during the period referenced in the Complaint (*i.e.*, beginning on or about December 20, 2005 and ending on or about September 9, 2006). Sunoco, Inc. admits that sulfur dioxide is an impurity in crude oil, which is used at the Facility. Otherwise, Paragraph 8 contains a conclusion of law to which no response is required.
9. Paragraph 9 contains a conclusion of law to which no response is required.
10. Paragraph 10 contains conclusions of law to which no response is required.
11. Paragraph 11 is denied.
12. Paragraph 12 is denied.

## COUNT I

13. In response to Paragraph 13, Sunoco incorporates by reference its answers to Paragraphs 1-12, above.
14. Sunoco, Inc. admits that, on or about December 20, 2005, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about December 20, 2005 was approximately 614 pounds.
15. Paragraph 15 is denied.
16. Paragraph 16 is denied.
17. Paragraph 17 is denied.

## COUNT II

18. In response to Paragraph 18, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-17, above.
19. Sunoco, Inc. admits that, on or about January 17, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about January 17, 2006 was approximately 1,838 pounds.
20. Paragraph 20 is denied.

21. Paragraph 21 is denied.

22. Paragraph 22 is denied.

**COUNT III**

23. In response to Paragraph 23, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-22, above.

24. Sunoco, Inc. admits that, on or about January 19, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about January 19, 2006 was approximately 518 pounds.

25. Paragraph 25 is denied.

26. Paragraph 26 is denied.

27. Paragraph 27 is denied.

**COUNT IV**

28. In response to Paragraph 28, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-27, above.

29. Sunoco, Inc. admits that, on or about January 22, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount

of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about January 22, 2006 was approximately 772 pounds.

30. Paragraph 30 is denied.

31. Paragraph 31 is denied.

32. Paragraph 32 is denied.

#### **COUNT V**

33. In response to Paragraph 33, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-32, above.

34. Sunoco, Inc. admits that, on or about January 27, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about January 27, 2006 was approximately 1,982 pounds.

35. Paragraph 35 is denied.

36. Paragraph 36 is denied.

37. Paragraph 37 is denied.

#### **COUNT VI**

38. In response to Paragraph 38, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-37, above.

39. Sunoco, Inc. admits that, on or about January 28, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about January 28, 2006 was approximately 1,402 pounds.

40. Paragraph 40 is denied.

41. Paragraph 41 is denied.

42. Paragraph 42 is denied.

#### **COUNT VII**

43. In response to Paragraph 43, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-42, above.

44. Sunoco, Inc. admits that, on or about January 29, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about January 29, 2006 was approximately 3,807 pounds.

45. Paragraph 45 is denied.

46. Paragraph 46 is denied.

47. Paragraph 47 is denied.

### **COUNT VIII**

48. In response to Paragraph 48, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-47, above.
49. Sunoco, Inc. admits that, on or about January 30, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about January 30, 2006 was approximately 1,493 pounds.
50. Paragraph 50 is denied.
51. Paragraph 51 is denied.
52. Paragraph 52 is denied.

### **COUNT IX**

53. In response to Paragraph 53, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-52, above.
54. Sunoco, Inc. admits that, on or about January 31, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about January 31, 2006 was approximately 850 pounds.
55. Paragraph 55 is denied.



56. Paragraph 56 is denied.

57. Paragraph 57 is denied.

**COUNT X**

58. In response to Paragraph 58, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-57, above.

59. Sunoco, Inc. admits that, on or about February 1, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about February 1, 2006 was approximately 1,285 pounds.

60. Paragraph 60 is denied.

61. Paragraph 61 is denied.

62. Paragraph 62 is denied.

**COUNT XI**

63. In response to Paragraph 63, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-62, above.

64. Sunoco, Inc. admits that, on or about March 8, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount

of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about March 8, 2006 was approximately 559 pounds.

65. Paragraph 65 is denied.

66. Paragraph 66 is denied.

67. Paragraph 67 is denied.

### **COUNT XII**

68. In response to Paragraph 68, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-57, above.

69. Sunoco, Inc. admits that, on or about March 12, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about March 12, 2006 was approximately 3,063 pounds.

70. Paragraph 70 is denied.

71. Paragraph 71 is denied.

72. Paragraph 72 is denied.

### **COUNT XIII**

73. In response to Paragraph 73, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-72, above.
74. Sunoco, Inc. admits that, on or about March 13, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about March 12, 2006 was approximately 728 pounds.
75. Paragraph 75 is denied.
76. Paragraph 76 is denied.
77. Paragraph 77 is denied.

### **COUNT XIV**

78. In response to Paragraph 78, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-77, above.
79. Sunoco, Inc. admits that, on or about March 15, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about March 15, 2006 was approximately 752 pounds.
80. Paragraph 80 is denied.

81. Paragraph 81 is denied.

82. Paragraph 82 is denied.

#### **COUNT XV**

83. In response to Paragraph 83, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-82, above.

84. Sunoco, Inc. admits that, on or about March 24, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about March 24, 2006 was approximately 898 pounds.

85. Paragraph 85 is denied.

86. Paragraph 86 is denied.

87. Paragraph 87 is denied.

#### **COUNT XVI**

88. In response to Paragraph 88, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-87, above.

89. Sunoco, Inc. admits that, on or about March 28, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount

of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about March 28, 2006 was approximately 727 pounds.

90. Paragraph 90 is denied.

91. Paragraph 91 is denied.

92. Paragraph 92 is denied.

### **COUNT XVII**

93. In response to Paragraph 93, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-92, above.

94. Sunoco, Inc. admits that, on or about March 30, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about March 30, 2006 was approximately 1,295 pounds.

95. Paragraph 95 is denied.

96. Paragraph 96 is denied.

97. Paragraph 97 is denied.

### **COUNT XVIII**

98. In response to Paragraph 98, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-97, above.

99. Sunoco, Inc. admits that, on or about March 31, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about March 31, 2006 was approximately 697 pounds.

100. Paragraph 100 is denied.

101. Paragraph 101 is denied.

102. Paragraph 102 is denied.

### **COUNT XIX**

103. In response to Paragraph 103, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-102, above.

104. Sunoco, Inc. admits that, on or about April 25, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about April 28, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about April 25, 2006 was approximately 1,019 pounds.

105. Paragraph 105 is denied.

106. Paragraph 106 is denied.

107. Paragraph 107 is denied.

**COUNT XX**

108. In response to Paragraph 108, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-107, above.

109. Sunoco, Inc. admits that, on or about May 7, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on May 8, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about May 7, 2006 was approximately 714 pounds.

110. Paragraph 110 is denied.

111. Paragraph 111 is denied.

112. Paragraph 112 is denied.

**COUNT XXI**

113. In response to Paragraph 113, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-112, above.

114. Sunoco, Inc. admits that, on or about June 8, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on June 8, 2006, indicated that the amount of sulfur

dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about June 8, 2006 was approximately 1980.9 pounds (not 1,890 pounds, as set forth in the Complaint).

115. Paragraph 115 is denied.

116. Paragraph 116 is denied.

117. Paragraph 117 is denied.

### **COUNT XXII**

118. In response to Paragraph 118, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-117, above.

119. Sunoco, Inc. admits that, on or about June 28, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about June 30, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about June 28, 2006 was approximately 590 pounds. Corrected calculations performed by Sunoco, Inc. (R&M) on or about July 13, 2006 indicated that the release totaled approximately 665 pounds of sulfur dioxide.

120. Paragraph 115 is denied.

121. Paragraph 116 is denied.

122. Paragraph 117 is denied.



### **COUNT XXIII**

123. In response to Paragraph 123, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-122, above.

124. Sunoco, Inc. admits that, on or about June 29, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about June 30, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about June 29, 2006 was approximately 1,100 pounds. Corrected calculations performed by Sunoco, Inc. (R&M) on or about July 13, 2006 indicated that the release totaled approximately 380 pounds of sulfur dioxide.

125. Paragraph 125 is denied.

126. Paragraph 126 is denied.

127. Paragraph 127 is denied.

### **COUNT XXIV**

128. In response to Paragraph 128, Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-127, above.

129. Sunoco, Inc. admits that, on or about August 10, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about August 11, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant

flare system in a 24-hour period ending on or about August 10, 2006 was approximately 877 pounds.

130. Paragraph 130 is denied.

131. Paragraph 131 is denied.

132. Paragraph 132 (misnumbered as Paragraph 127 in the Complaint) is denied.

### COUNT XXV

133. In response to Paragraph 133 (misnumbered as Paragraph 128 in the Complaint), Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-132, above.

134. In response to Paragraph 134 (misnumbered as Paragraph 129 in the Complaint) Sunoco, Inc. admits that, on or about September 8, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about September 9, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about September 8, 2006 was approximately 1,977 pounds. Corrected calculations performed by Sunoco, Inc. (R&M) on or about September 21, 2006 indicated that the release totaled approximately 2,687 pounds of sulfur dioxide.

135. Paragraph 135 (misnumbered as Paragraph 130 in the Complaint) is denied.

136. Paragraph 136 (misnumbered as Paragraph 131 in the Complaint) is denied.

137. Paragraph 137 (misnumbered as Paragraph 132 in the Complaint) is denied.

## **COUNT XXVI**

138. In response to Paragraph 138 (misnumbered as Paragraph 133 in the Complaint), Sunoco, Inc. incorporates by reference its answers to Paragraphs 1-137, above.

139. In response to Paragraph 139 (misnumbered as Paragraph 134 in the Complaint) Sunoco, Inc. admits that, on or about September 9, 2006, the Facility's refinery plant flare system emitted sulfur dioxide to the atmosphere, and that engineering calculations conducted by Sunoco, Inc. (R&M) on or about September 9, 2006, indicated that the amount of sulfur dioxide that was emitted to the atmosphere by the refinery plant flare system in a 24-hour period ending on or about September 9, 2006 was approximately 4,161 pounds. Corrected calculations performed by Sunoco, Inc. (R&M) on or about September 21, 2006 indicated that the release totaled approximately 4,845 pounds of sulfur dioxide.

140. Paragraph 140 (misnumbered as Paragraph 135 in the Complaint) is denied.

141. Paragraph 141 (misnumbered as Paragraph 136 in the Complaint) is denied.

142. Paragraph 142 (misnumbered as Paragraph 137 in the Complaint) is denied.

## **FIRST DEFENSE**

The Complaint fails to state a claim against Sunoco, Inc. upon which relief may be granted.

## **SECOND DEFENSE**

Sunoco, Inc. is not in charge of, within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), the Facility. The Facility is owned and operated by Sunoco, Inc. (R&M).

## **THIRD DEFENSE**

Sulfur dioxide (SO<sub>2</sub>) is not a “hazardous substance” as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), or as designated in 40 C.F.R § 302.4, and as such is not subject to CERCLA reporting requirements, 42 U.S.C. § 9603.

## **FOURTH DEFENSE**

The total pounds of sulfur dioxide emitted in the releases described in Counts I-VI, VIII-XX, and XXII-XXVI of the Complaint qualify as “federally permitted releases,” as defined by Section 101(10) of CERCLA, 42 U.S.C. § 9601(10). The releases at issue were from the Facility’s refinery plant flare system, which, during the time period relevant to the Complaint, consisted of three flares: the East Flare, West Flare, and ZTOF Ground Flare. During the time period relevant to the Complaint, the East and West flares were subject to a federally-enforceable limit on emissions of sulfur dioxide of 1,000 lb/hr and the ZTOF Ground Flare was subject to a federally-enforceable sulfur dioxide limit of 60 lbs/hr. *See* NJDEP Title V Operating Permit for the Facility (Facility ID 55781) BOP000001, U52, OS Summary, References 2 and 4.

### **FIFTH DEFENSE**

Sunoco, Inc. (R&M) reported the releases of sulfur dioxide described in Counts I-XXVI of the Complaint to the National Response Center (the "NRC") as soon as Sunoco, Inc. (R&M) had knowledge of each release. Sunoco, Inc. (R&M) reported the releases in Counts I-XIX to the NRC on April 28, 2006. Sunoco, Inc. (R&M) reported the release in Count XX to the NRC on May 8, 2006. Sunoco, Inc. (R&M) reported the release in Count XXI to the NRC on June 8, 2006. Sunoco, Inc. (R&M) reported the releases in Counts XXII and XXIII to the NRC on June 30, 2006. Sunoco, Inc. (R&M) reported the release in Count XXIV to the NRC on August 11, 2006. Sunoco, Inc. (R&M) reported the release in Count XXV to the NRC on September 9, 2006. Sunoco, Inc. (R&M) reported the release in Count XXVI to the NRC on September 10, 2006.

### **SIXTH DEFENSE**

In addition to the report to the NRC on April 28, 2006, Sunoco, Inc. (R&M) provided constructive notice to the United States Environmental Protection Agency of the releases described in Counts I-XIX of the Complaint to EPA Region 2 by phone call to Harish Patel on April 28, 2006 at approximately 10:30 AM.

### **SEVENTH DEFENSE**

The releases of sulfur dioxide described in Counts I-XXVI did not adversely affect human health or the environment.

**EIGHTH DEFENSE**

Constructive notice of all of the releases described in the Complaint was provided to Gloucester County Emergency Management and the New Jersey State Office of Emergency Management, because Sunoco, Inc. (R&M) reported the sulfur dioxide releases to the NRC, and the NRC, per its obligations under CERCLA Section 103(a), 42 U.S.C. § 9603(a), notifies all appropriate Government agencies of such reports.

**NINTH DEFENSE**

Sunoco, Inc. (R&M) provided written follow-up reports on all of the releases in the Complaint as soon as practicable to Gloucester County Emergency Management with copies to, *inter alia*, the New Jersey Department of Environmental Protection and the New Jersey State Office of Emergency Management.

**REQUEST FOR A HEARING**

Pursuant to 40 C.F.R. § 22.15(c), Sunoco, Inc. hereby requests a hearing on any and all of the issues raised in the Complaint and this Answer.

**REQUEST FOR AN INFORMAL SETTLEMENT CONFERENCE**

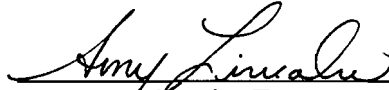
Sunoco, Inc. hereby requests an informal settlement conference on the issues raised in the Complaint and this Answer.

\* \* \* \* \*

Sunoco, Inc. reserves the right to Supplement this Answer and Request for Hearing to the extent that additional information is obtained that is relevant to or useful in the presentation of each legal and factual issue in this case.

Date: December 12, 2007

Respectfully Submitted,

A handwritten signature in cursive script, reading "Amy M. Lincoln", is written over a horizontal line.

Amy M. Lincoln, Esq.  
Beveridge & Diamond, P.C.  
1350 I Street, N.W.  
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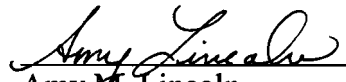
Counsel for Sunoco, Inc. (authorized to  
receive service in this case for Sunoco, Inc.)

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true copy of the foregoing Answer and Request For Hearing today, the 12th day of December, 2007, by Federal Express, delivery prepaid, on the following:

Regional Hearing Clerk  
U.S. EPA Region 2  
290 Broadway, 16th Floor  
New York, NY 10007-1866

Damaris Urdaz Cristiano  
U.S. EPA Region 2  
290 Broadway  
New York, NY 10007-1866

  
\_\_\_\_\_  
Amy M. Lincoln  
Counsel for Sunoco, Inc.