

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
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REGIONAL HEARING
CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

_____)	
)	
In the Matter of:)	Docket Number: CERCLA-02-2008-2004
)	
Sunoco, Inc.)	Administrative Complaint under
Eagle Point Facility)	Section 109 of the Comprehensive
Route 130 and I-295 South)	Environmental Response, Compensation,
Westville, NJ)	and Liability Act 42 U.S.C. § 9609
)	
Respondent.)	
_____)	
	x	

ADMINISTRATIVE COMPLAINT

I. STATUTORY AUTHORITY

1. This Complaint ("Complaint") initiates an administrative action for the assessment of civil penalties pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9609. The Complainant in this action is the Director of the Emergency and Remedial Response Division of the United States Environmental Protection Agency ("EPA"), Region 2, who has been delegated the authority to institute this action.

2. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), states that any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he has knowledge of any release (other than a federally permitted release) of a hazardous substance from such vessel or facility in quantities equal to or greater than those determined pursuant to Section 102 of CERCLA, immediately notify the National Response Center ("NRC") of such release.

3. Section 109 of CERCLA, 42 U.S.C. § 9609, provides for the assessment of penalties for violations of Section 103 of CERCLA.

II. FINDINGS OF VIOLATIONS

4. Respondent is, and at all times referred to herein, a "person," within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

5. Respondent owns and/or operates the Eagle Point Facility, located on Route 130 and I-295 South, Westville, New Jersey (the "Facility").

6. The Facility is a "facility," as defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

7. Respondent was in charge of the Facility at all times referred to herein.

8. Sulfur dioxide was, at all times relevant to this Complaint, used and/or created at the Facility. Sulfur dioxide is a "hazardous substance," as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

9. The reportable quantity for sulfur dioxide is 500 pounds, as specified in 40 C.F.R. Sections 302.4 and 355.

10. According to information provided to EPA from Respondent, during a period starting on or about December 20, 2005 and ending on or about September 9, 2006, twenty-six "releases," as defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), of sulfur dioxide occurred from Respondent's Facility to the air.

11. Each of these twenty-six releases exceeded the reportable quantity for sulfur dioxide.

12. Respondent did not immediately notify the NRC of these releases pursuant to the requirements of Section 103(a) of CERCLA.

COUNT 1

13. Findings contained in Paragraphs "1" through "12" are incorporated herein by reference.

14. According to information provided by Respondent, on or about December 20, 2005, approximately 614 pounds of sulfur dioxide was released from Respondent's Facility.

15. Respondent failed to immediately notify the NRC of the December 20, 2005 release of sulfur dioxide from the Facility.

16. The December 20, 2005 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

17. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT II

18. Findings contained in Paragraphs "1" through "17" are incorporated herein by reference.

19. According to information provided by Respondent, on or about January 17, 2006, approximately 1838 pounds of sulfur dioxide was released from Respondent's Facility.

20. Respondent failed to immediately notify the NRC of the January 17, 2006 release of sulfur dioxide from the Facility.

21. The January 17, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

22. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT III

23. Findings contained in Paragraphs "1" through "22" are incorporated herein by reference.

24. According to information provided by Respondent, on or about January 19, 2006, approximately 518 pounds of sulfur dioxide was released from Respondent's Facility.

25. Respondent failed to immediately notify the NRC of the January 19, 2006 release of sulfur dioxide from the Facility.

26. The January 19, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

27. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT IV

28. Findings contained in Paragraphs "1" through "27" are incorporated herein by reference.

29. According to information provided by Respondent, on or about January 22, 2006, approximately 772 pounds of sulfur dioxide was released from Respondent's Facility.

30. Respondent failed to immediately notify the NRC of the January 22, 2006 release of sulfur dioxide from the Facility.

31. The January 22, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

32. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT V

33. Findings contained in Paragraphs "1" through "32" are incorporated herein by reference.

34. According to information provided by Respondent, on or about January 27, 2006, approximately 1982 pounds of sulfur dioxide was released from Respondent's Facility.

35. Respondent failed to immediately notify the NRC of the January 27, 2006 release of sulfur dioxide from the Facility.

36. The January 27, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

37. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT VI

38. Findings contained in Paragraphs "1" through "37" are incorporated herein by reference.

39. According to information provided by Respondent, on or about January 28, 2006, approximately 1402 pounds of sulfur dioxide was released from Respondent's Facility.

40. Respondent failed to immediately notify the NRC of the January 28, 2006 release of sulfur dioxide from the Facility.

41. The January 28, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

42. Respondent violated the notification requirements of Section 103(a) of CERCLA,

42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT VII

43. Findings contained in Paragraphs “1” through “42” are incorporated herein by reference.

44. According to information provided by Respondent, on or about January 29, 2006, approximately 3807 pounds of sulfur dioxide was released from Respondent’s Facility.

45. Respondent failed to immediately notify the NRC of the January 29, 2006 release of sulfur dioxide from the Facility.

46. The January 29, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

47. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT VIII

48. Findings contained in Paragraphs “1” through “47” are incorporated herein by reference.

49. According to information provided by Respondent, on or about January 30, 2006, approximately 1493 pounds of sulfur dioxide was released from Respondent’s Facility.

50. Respondent failed to immediately notify the NRC of the January 30, 2006 release of sulfur dioxide from the Facility.

51. The January 30, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

52. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT IX

53. Findings contained in Paragraphs “1” through “52” are incorporated herein by reference.

54. According to information provided by Respondent, on or about January 31, 2006, approximately 850 pounds of sulfur dioxide was released from Respondent's Facility.

55. Respondent failed to immediately notify the NRC of the January 31, 2006 release of sulfur dioxide from the Facility.

56. The January 31, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

57. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT X

58. Findings contained in Paragraphs "1" through "57" are incorporated herein by reference.

59. According to information provided by Respondent, on or about February 1, 2006, approximately 1285 pounds of sulfur dioxide was released from Respondent's Facility.

60. Respondent failed to immediately notify the NRC of the February 1, 2006 release of sulfur dioxide from the Facility.

61. The February 1, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

62. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XI

63. Findings contained in Paragraphs "1" through "62" are incorporated herein by reference.

64. According to information provided by Respondent, on or about March 8, 2006, approximately 559 pounds of sulfur dioxide was released from Respondent's Facility.

65. Respondent failed to immediately notify the NRC of the March 8, 2006 release of sulfur dioxide from the Facility.

66. The March 8, 2006 release of sulfur dioxide from the Facility was not a federally

permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

67. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XII

68. Findings contained in Paragraphs "1" through "67" are incorporated herein by reference.

69. According to information provided by Respondent, on or about March 12, 2006, approximately 3063 pounds of sulfur dioxide was released from Respondent's Facility.

70. Respondent failed to immediately notify the NRC of the March 12, 2006 release of sulfur dioxide from the Facility.

71. The March 12, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

72. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XIII

73. Findings contained in Paragraphs "1" through "72" are incorporated herein by reference.

74. According to information provided by Respondent, on or about March 13, 2006, approximately 728 pounds of sulfur dioxide was released from Respondent's Facility.

75. Respondent failed to immediately notify the NRC of the March 13, 2006 release of sulfur dioxide from the Facility.

76. The March 13, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

77. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XIV

78. Findings contained in Paragraphs "1" through "77" are incorporated herein by reference.

79. According to information provided by Respondent, on or about March 15, 2006, approximately 752 pounds of sulfur dioxide was released from Respondent's Facility.

80. Respondent failed to immediately notify the NRC of the March 15, 2006 release of sulfur dioxide from the Facility.

81. The March 15, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

82. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XV

83. Findings contained in Paragraphs "1" through "82" are incorporated herein by reference.

84. According to information provided by Respondent, on or about March 24, 2006, approximately 898 pounds of sulfur dioxide was released from Respondent's Facility.

85. Respondent failed to immediately notify the NRC of the March 24, 2006 release of sulfur dioxide from the Facility.

86. The March 24, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

87. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XVI

88. Findings contained in Paragraphs "1" through "87" are incorporated herein by reference.

89. According to information provided by Respondent, on or about March 28, 2006, approximately 727 pounds of sulfur dioxide was released from Respondent's Facility.

90. Respondent failed to immediately notify the NRC of the March 28, 2006 release of sulfur dioxide from the Facility.

91. The March 28, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

92. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XVII

93. Findings contained in Paragraphs "1" through "92" are incorporated herein by reference.

94. According to information provided by Respondent, on or about March 30, 2006, approximately 1295 pounds of sulfur dioxide was released from Respondent's Facility.

95. Respondent failed to immediately notify the NRC of the March 30, 2006 release of sulfur dioxide from the Facility.

96. The March 30, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

97. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XVIII

98. Findings contained in Paragraphs "1" through "97" are incorporated herein by reference.

99. According to information provided by Respondent, on or about March 31, 2006, approximately 697 pounds of sulfur dioxide was released from Respondent's Facility.

100. Respondent failed to immediately notify the NRC of the March 31, 2006 release of sulfur dioxide from the Facility.

101. The March 31, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

102. Respondent violated the notification requirements of Section 103(a) of CERCLA,

42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XIX

103. Findings contained in Paragraphs "1" through "102" are incorporated herein by reference.

104. According to information provided by Respondent, on or about April 25, 2006, approximately 1019 pounds of sulfur dioxide was released from Respondent's Facility.

105. Respondent failed to immediately notify the NRC of the April 25, 2006 release of sulfur dioxide from the Facility.

106. The April 25, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

107. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XX

108. Findings contained in Paragraphs "1" through "107" are incorporated herein by reference.

109. According to information provided by Respondent, on or about May 7, 2006, approximately 714 pounds of sulfur dioxide was released from Respondent's Facility.

110. Respondent failed to immediately notify the NRC of the May 7, 2006 release of sulfur dioxide from the Facility.

111. The May 7, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

112. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XXI

113. Findings contained in Paragraphs "1" through "112" are incorporated herein by reference.

114. According to information provided by Respondent, on or about June 8, 2006, approximately 1890 pounds of sulfur dioxide was released from Respondent's Facility.

115. Respondent failed to immediately notify the NRC of the June 8, 2006 release of sulfur dioxide from the Facility.

116. The June 8, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

117. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XXII

118. Findings contained in Paragraphs "1" through "117" are incorporated herein by reference.

119. According to information provided by Respondent, on or about June 28, 2006, approximately 590 pounds of sulfur dioxide was released from Respondent's Facility.

120. Respondent failed to immediately notify the NRC of the June 28, 2006 release of sulfur dioxide from the Facility.

121. The June 28, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

122. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XXIII

123. Findings contained in Paragraphs "1" through "122" are incorporated herein by reference.

124. According to information provided by Respondent, on or about June 29, 2006, approximately 1100 pounds of sulfur dioxide was released from Respondent's Facility.

125. Respondent failed to immediately notify the NRC of the June 29, 2006 release of sulfur dioxide from the Facility.

126. The June 29, 2006 release of sulfur dioxide from the Facility was not a federally

permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

127. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XXIV

128. Findings contained in Paragraphs "1" through "127" are incorporated herein by reference.

129. According to information provided by Respondent, on or about August 10, 2006, approximately 877 pounds of sulfur dioxide was released from Respondent's Facility.

130. Respondent failed to immediately notify the NRC of the August 10, 2006 release of sulfur dioxide from the Facility.

131. The August 10, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

127. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XXV

128. Findings contained in Paragraphs "1" through "127" are incorporated herein by reference.

129. According to information provided by Respondent, on or about September 8, 2006, approximately 1977 pounds of sulfur dioxide was released from Respondent's Facility.

130. Respondent failed to immediately notify the NRC of the September 8, 2006 release of sulfur dioxide from the Facility.

131. The September 8, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

132. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

COUNT XXVI

133. Findings contained in Paragraphs "1" through "132" are incorporated herein by reference.

134. According to information provided by Respondent, on or about September 9, 2006, approximately 4161 pounds of sulfur dioxide was released from Respondent's Facility.

135. Respondent failed to immediately notify the NRC of the September 9, 2006 release of sulfur dioxide from the Facility.

136. The September 9, 2006 release of sulfur dioxide from the Facility was not a federally permitted release, as defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

137. Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

III. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

Pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, as modified pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, as mandated by the Debt Collection Improvement Act of 1996 and as codified at 40 C.F.R. Part 19, EPA is authorized to assess civil penalties not to exceed \$32,500 per day for each violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

On the basis of the violations of CERCLA § 103 described above, Complainant has determined that Respondent is subject to penalties under CERCLA Section 109, 42 U.S.C. § 9609. Accordingly, Complainant proposes a civil penalty of \$338,520 for the CERCLA violations described above, pursuant to the authority of Section 109 of CERCLA as set forth below.

Count I	Failure of Respondent to immediately notify the NRC of the December 20, 2005 release of sulfur dioxide:	\$ 12,090
Count II	Failure of Respondent to immediately notify the NRC of the January 17, 2006 release of sulfur dioxide:	\$ 12,090
Count III	Failure of Respondent to immediately notify the NRC of the January 19, 2006 release of sulfur dioxide:	\$ 12,090

Count IV	Failure of Respondent to immediately notify the NRC of the January 22, 2006 release of sulfur dioxide:	\$ 12,090
Count V	Failure of Respondent to immediately notify the NRC of the January 27, 2006 release of sulfur dioxide:	\$ 12,090
Count VI	Failure of Respondent to immediately notify the NRC of the January 28, 2006 release of sulfur dioxide:	\$ 12,090
Count VII	Failure of Respondent to immediately notify the NRC of the January 29, 2006 release of sulfur dioxide:	\$ 20,150
Count VIII	Failure of Respondent to immediately notify the NRC of the January 30, 2006 release of sulfur dioxide:	\$ 12,090
Count IX	Failure of Respondent to immediately notify the NRC of the January 31, 2006 release of sulfur dioxide:	\$ 12,090
Count X	Failure of Respondent to immediately notify the NRC of the February 1, 2006 release of sulfur dioxide:	\$ 12,090
Count XI	Failure of Respondent to immediately notify the NRC of the March 8, 2006 release of sulfur dioxide:	\$ 12,090
Count XII	Failure of Respondent to immediately notify the NRC of the March 12, 2006 release of sulfur dioxide:	\$ 20,150
Count XIII	Failure of Respondent to immediately notify the NRC of the March 13, 2006 release of sulfur dioxide:	\$ 12,090
Count XIV	Failure of Respondent to immediately notify the	

	NRC of the March 15, 2006 release of sulfur dioxide:	\$ 12,090
Count XV	Failure of Respondent to immediately notify the NRC of the March 24, 2006 release of sulfur dioxide:	\$ 12,090
Count XVI	Failure of Respondent to immediately notify the NRC of the March 28, 2006 release of sulfur dioxide:	\$ 12,090
Count XVII	Failure of Respondent to immediately notify the NRC of the March 30, 2006 release of sulfur dioxide:	\$ 12,090
Count XVIII	Failure of Respondent to immediately notify the NRC of the March 31, 2006 release of sulfur dioxide:	\$ 12,090
Count XIX	Failure of Respondent to immediately notify the NRC of the April 25, 2006 release of sulfur dioxide:	\$ 12,090
Count XX	Failure of Respondent to immediately notify the NRC of the May 7, 2006 release of sulfur dioxide:	\$ 12,090
Count XXI	Failure of Respondent to immediately notify the NRC of the June 8, 2006 release of sulfur dioxide:	\$ 12,090
Count XXII	Failure of Respondent to immediately notify the NRC of the June 28, 2006 release of sulfur dioxide:	\$ 12,090
Count XXIII	Failure of Respondent to immediately notify the NRC of the June 29, 2006 release of sulfur dioxide:	\$ 12,090
Count XXIV	Failure of Respondent to immediately notify the NRC of the August 10, 2006 release of sulfur dioxide:	\$ 12,090

Count XXV	Failure of Respondent to immediately notify the NRC of the September 8, 2006 release of sulfur dioxide:	\$ 12,090
Count XXVI	Failure of Respondent to immediately notify the NRC of the September 9, 2006 release of sulfur dioxide:	\$ 20,150
TOTAL PENALTY PROPOSED		\$338,520

In calculating the CERCLA penalties, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to the Respondent, ability to pay, prior history of violations, degree of culpability, economic benefit or savings resulting from the violations, and such other matters as justice may require.

The proposed civil penalties in this matter have been determined in accordance with EPA's "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) as modified pursuant to the June 5, 2006 memorandum from Stephanie Brown, Acting Director, Toxics and Pesticides Enforcement Division, Office of Civil Enforcement. Attached to this Complaint as Attachment 1 are Penalty Calculation Worksheets which show how the proposed penalty for each count was calculated.

IV. PROCEDURES GOVERNING THIS ADMINISTRATIVE LITIGATION

The rules of procedure governing this civil administrative litigation are entitled, "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS" (hereinafter, the "Consolidated Rules"), and are codified at 40 C.F.R. Part 22.

A. Notice of Opportunity to Request a Hearing and Answering The Complaint

To request a hearing, Respondent must file an Answer to the Complaint, pursuant to 40 C.F.R. §§ 22.15(a) - (c). Pursuant to 40 C.F.R. § 22.15(a), such Answer must be filed within 30 days after service of the Complaint.

An Answer is also to be filed, pursuant to 40 C.F.R. § 22.15(a), if Respondent contests any material fact upon which the Complaint is based, contends that the proposed penalty is inappropriate, or contends that Respondent is entitled to judgment as a matter of law. If filing an Answer, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint. The address of the Regional

Hearing Clerk of EPA, Region 2, is:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Respondent shall also serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. 40 C.F.R. § 22.15(a). Complainant's copy of Respondent's Answer, as well as a copy of all other documents that Respondent files in this action, shall be sent to:

Damaris Urdaz Cristiano
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866
212-637-3140

Pursuant to 40 C.F.R. § 22.15(b), Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint with regard to which Respondent has any knowledge. Where Respondent lacks knowledge of a particular factual allegation and so states in its Answer, the allegation is deemed denied, pursuant to 40 C.F.R. § 22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense; (2) the facts which Respondent disputes; and (3) the basis for opposing any proposed relief; and (4) whether Respondent requests a hearing.

If Respondent fails in its Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation, pursuant to 40 C.F.R. § 22.15(d).

Respondent's failure affirmatively to raise in the Answer facts that constitute or that might constitute the grounds of its defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.21(d). A hearing of this matter will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

B. Failure To Answer

If Respondent fails to file a timely answer to the Complaint, EPA may file a Motion for Default pursuant to 40 C.F.R. §§ 22.17(a) and (b), which may result in the issuance of a default order

assessing the proposed penalty pursuant to 40 C.F.R. § 22.17(c). If a default order is issued, any penalty assessed in the default order shall become due and payable by Respondent without further proceedings 30 days after the default order becomes final. If necessary, EPA may then seek to enforce such final order of default against Respondent, and to collect the assessed penalty amount, in federal court.

V. INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondent requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions and objectives of CERCLA and EPCRA and its applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint, and Respondent may also provide whatever additional information that it believes is relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged; (2) any information relevant to Complainant's calculation of the proposed penalty; (3) the effect the proposed penalty would have on Respondent's ability to continue in business; and/or (4) any other special facts or circumstances Respondent wishes to raise. Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondent, to reflect any relevant information previously not known to Complainant or to dismiss any or all of the charges, if Respondent can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists.

Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to the EPA Assistant Regional Counsel identified in Section IV. A., above.

Respondent's request for a formal hearing does not prevent it from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing pursuant to 40 C.F.R. § 22.15(c).

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. § 22.15. No penalty reduction will be made simply because an informal settlement conference is held.

In the event settlement is reached, its terms shall be recorded in a written Consent Agreement signed by the parties and incorporated into a Final Order, pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3).

Respondent's entering into a settlement through the signing of such Consent Agreement and its complying with the terms and conditions set forth in such Consent Agreement terminates this

administrative litigation and the civil proceedings arising out of the allegations made in this Complaint. Respondent's entering into a settlement does not extinguish, waive, satisfy or otherwise affect its obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VI. RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty within 30 days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the address provided in Section IV.A., above), a copy of the check or other instrument of payment, as provided in 40 C.F.R. § 22.18(a). A copy of the check or other instrument of payment should be provided to the EPA Assistant Regional Counsel identified in Section IV.A., above. Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America," in the full amount of the penalty assessed in this Complaint to the following addressee:

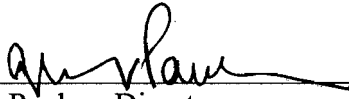
United States Environmental Protection Agency
Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

The check must be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this Complaint. Pursuant to 40 C.F.R. § 22.18(a)(3), upon EPA's receipt of such payment, a Final Order shall be issued. Furthermore, as provided in 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's rights to contest the allegations made in the Complaint and to appeal the Final Order. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable regulations and requirements, and to maintain such compliance.

VII. RESERVATION OF RIGHTS

EPA reserves all rights against Respondent, including but not limited to, the right to expend and recover funds under CERCLA; to bring enforcement actions seeking injunctive relief under Section 106 of CERCLA and/or other statutes; to address releases including those identified in this Complaint; and to require further action as necessary to respond to the release addressed in this notice. EPA also reserves all of its rights to obtain access to the Facility and require Respondent's submission of information to EPA.

Dated: October 31, 2007



George Pavlou, Director
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

TO: Sunoco, Inc.
1735 Market Street
Philadelphia, PA 19103
Attention: John G. Drosdick, CEO, President

Attachments

cc: Karen Maples, Region 2 Hearing Clerk
James A. Keeler, Refinery Manager, Sunoco Eagle Point Refinery

ATTACHMENT 1
PENALTY CALCULATION WORKSHEETS

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 1

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 12/20/05

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 614 lbs.
by 500 (RQ/TPQ) = 1.2 times the threshold
Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|----------------|--------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ ___ - ___ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ ___ - ___ |
| 4. | Add lines 1-3 | | \$ ___ - ___ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ ___ - ___) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ ___ - ___) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ ___ - ___) | |
| 8. | Size of business reduction (- _____ %) | (\$ ___ - ___) | |
| 9. | Attitude (- _____ %) | (\$ ___ - ___) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ ___ - ___) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ ___ - ___) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 2
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 1/17/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.):1838 lbs.
 by 500 (RQ/TPQ) = 3.7 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | |
|-----|--|------------|
| 1. | Base Penalty - | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | \$ _____ |
| 4. | Add lines 1-3 | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) |
| 8. | Size of business reduction (- _____ %) | (\$ _____) |
| 9. | Attitude (- _____ %) | (\$ _____) |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) |
| 12. | Subtract lines (5-11) from line 4 | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner* Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 3
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 1/19/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 518 lbs.
 by 500 (RQ/TPQ) = 1 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | |
|-----|--|------------|
| 1. | Base Penalty - | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | \$ _____ |
| 4. | Add lines 1-3 | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) |
| 8. | Size of business reduction (- _____ %) | (\$ _____) |
| 9. | Attitude (- _____ %) | (\$ _____) |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) |
| 12. | Subtract lines (5-11) from line 4 | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 4
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 1/22/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 772 lbs. by 500 (RQ/TPQ) = 1.6 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | |
|-----|--|------------|
| 1. | Base Penalty - | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | \$ _____ |
| 4. | Add lines 1-3 | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) |
| 8. | Size of business reduction (- _____ %) | (\$ _____) |
| 9. | Attitude (- _____ %) | (\$ _____) |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) |
| 12. | Subtract lines (5-11) from line 4 | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 5
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 1/27/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 1982 lbs. by 500 (RQ/TPQ) = 4 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|---|------------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____. | | |
| | Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ _____ |
| 4. | Add lines 1-3 | | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) | |
| 8. | Size of business reduction (- _____ %) | (\$ _____) | |
| 9. | Attitude (- _____ %) | (\$ _____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 6

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 1/28/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 1402 lbs. by 500 (RQ/TPQ) = 2.8 times the threshold
Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|------------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ _____ |
| 4. | Add lines 1-3 | | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) | |
| 8. | Size of business reduction (- _____ %) | (\$ _____) | |
| 9. | Attitude (- _____ %) | (\$ _____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 7

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 1/29/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 3807 lbs. by 500 (RQ/TPQ) = 7.6 times the threshold
Matrix Level: B

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | |
|-----|--|------------|
| 1. | Base Penalty - | \$ 20,150. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | \$ _____ |
| 4. | Add lines 1-3 | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) |
| 8. | Size of business reduction (- _____ %) | (\$ _____) |
| 9. | Attitude (- _____ %) | (\$ _____) |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) |
| 12. | Subtract lines (5-11) from line 4 | |

Repeat procedure for each violation. \$20,150.

Prepared by: E. Banner
Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 8
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 1/30/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 1493 lbs.
 by 500 (RQ/TPQ) = 3 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|------------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ _____ |
| 4. | Add lines 1-3 | | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) | |
| 8. | Size of business reduction (- _____ %) | (\$ _____) | |
| 9. | Attitude (- _____ %) | (\$ _____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner* Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 9

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 1/31/06

NATURE: Type of Violation: CERCLA 103**EXTENT:** Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1**GRAVITY:** Divide amount of chemical involved in the violation (lbs.): 850 lbs.
by 500 (RQ/TPQ) = 1.7 times the threshold
Matrix Level: C**CIRCUMSTANCES:** Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|----------------|--------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ ___ - ___ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ ___ - ___ |
| 4. | Add lines 1-3 | | \$ ___ - ___ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ ___ - ___) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ ___ - ___) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ ___ - ___) | |
| 8. | Size of business reduction (- _____ %) | (\$ ___ - ___) | |
| 9. | Attitude (- _____ %) | (\$ ___ - ___) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ ___ - ___) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ ___ - ___) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 10

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO₂) - RQ - 500 lbs. DATE - 2/1/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 1285 lbs.
by 500 (RQ/TPQ) = 2.6 times the threshold
Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|------------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ _____ |
| 4. | Add lines 1-3 | | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) | |
| 8. | Size of business reduction (- _____ %) | (\$ _____) | |
| 9. | Attitude (- _____ %) | (\$ _____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner

Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 11
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 2/1/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 559 lbs.
 by 500 (RQ/TPQ) = 1.1 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|------------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ _____ |
| 4. | Add lines 1-3 | | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) | |
| 8. | Size of business reduction (- _____ %) | (\$ _____) | |
| 9. | Attitude (- _____ %) | (\$ _____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner* Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 12

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO₂) - RQ - 500 lbs. DATE - 3/12/06**NATURE:** Type of Violation: CERCLA 103**EXTENT:** Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1**GRAVITY:** Divide amount of chemical involved in the violation (lbs.): 3063 lbs.
by 500 (RQ/TPQ) = 6.1 times the threshold
Matrix Level: B**CIRCUMSTANCES:** Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | |
|-----|--|------------|
| 1. | Base Penalty - | \$ 20,150. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | \$ _____ |
| 4. | Add lines 1-3 | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) |
| 8. | Size of business reduction (- _____ %) | (\$ _____) |
| 9. | Attitude (- _____ %) | (\$ _____) |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) |
| 12. | Subtract lines (5-11) from line 4 | |

Repeat procedure for each violation. \$20,150.

Prepared by: E. Banner

Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 13

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO₂) - RQ - 500 lbs. DATE - 3/13/06**NATURE:** Type of Violation: CERCLA 103**EXTENT:** Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1**GRAVITY:** Divide amount of chemical involved in the violation (lbs.): 728 lbs.
by 500 (RQ/TPQ) = 1.5 times the threshold
Matrix Level: C**CIRCUMSTANCES:** Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|----------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ - - |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ - - |
| 4. | Add lines 1-3 | | \$ - - |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ - -) | |
| 6. | Culpability (% increase or decrease +/- - %) | (\$ - -) | |
| 7. | Other factors as justice may require (- %) | (\$ - -) | |
| 8. | Size of business reduction (- %) | (\$ - -) | |
| 9. | Attitude (- %) | (\$ - -) | |
| 10. | Supplemental Environmental Project (- %) | (\$ - -) | |
| 11. | Voluntary Disclosure (- %) | (\$ - -) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner

Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 14
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 3/15/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 752 lbs.
 by 500 (RQ/TPQ) = 1.5 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|----------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ - - |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ - - |
| 4. | Add lines 1-3 | | \$ - - |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ - -) | |
| 6. | Culpability (% increase or decrease +/- - %) | (\$ - -) | |
| 7. | Other factors as justice may require (- _____%) | (\$ - -) | |
| 8. | Size of business reduction (- _____%) | (\$ - -) | |
| 9. | Attitude (- _____%) | (\$ - -) | |
| 10. | Supplemental Environmental Project (- _____%) | (\$ - -) | |
| 11. | Voluntary Disclosure (- _____%) | (\$ - -) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner* Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 15
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 3/24/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 898 lbs.
 by 500 (RQ/TPQ) = 1.8 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|------------------|----------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ ____ - ____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ ____ - ____ |
| 4. | Add lines 1-3 | | \$ ____ - ____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ ____ - ____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ ____ - ____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ ____ - ____) | |
| 8. | Size of business reduction (- _____ %) | (\$ ____ - ____) | |
| 9. | Attitude (- _____ %) | (\$ ____ - ____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ ____ - ____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ ____ - ____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner* Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 16

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO₂) - RQ - 500 lbs. DATE - 3/28/06**NATURE:** Type of Violation: CERCLA 103**EXTENT:** Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1**GRAVITY:** Divide amount of chemical involved in the violation (lbs.): 727 lbs.
by 500 (RQ/TPQ) = 1.5 times the threshold
Matrix Level: C**CIRCUMSTANCES:** Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | |
|-----|--|----------------|
| 1. | Base Penalty - | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | \$ ___ - ___ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | \$ ___ - ___ |
| 4. | Add lines 1-3 | \$ ___ - ___ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ ___ - ___) |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ ___ - ___) |
| 7. | Other factors as justice may require (- _____ %) | (\$ ___ - ___) |
| 8. | Size of business reduction (- _____ %) | (\$ ___ - ___) |
| 9. | Attitude (- _____ %) | (\$ ___ - ___) |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ ___ - ___) |
| 11. | Voluntary Disclosure (- _____ %) | (\$ ___ - ___) |
| 12. | Subtract lines (5-11) from line 4 | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner

Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 17

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 3/30/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 1295 lbs. by 500 (RQ/TPQ) = 2.6 times the threshold
Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|------------------|----------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ ____ - ____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ ____ - ____ |
| 4. | Add lines 1-3 | | \$ ____ - ____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ ____ - ____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ ____ - ____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ ____ - ____) | |
| 8. | Size of business reduction (- _____ %) | (\$ ____ - ____) | |
| 9. | Attitude (- _____ %) | (\$ ____ - ____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ ____ - ____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ ____ - ____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 18
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 3/31/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 697 lbs.
 by 500 (RQ/TPQ) = 1.4 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|----------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ - - |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ - - |
| 4. | Add lines 1-3 | | \$ - - |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ - -) | |
| 6. | Culpability (% increase or decrease +/- - %) | (\$ - -) | |
| 7. | Other factors as justice may require (- %) | (\$ - -) | |
| 8. | Size of business reduction (- %) | (\$ - -) | |
| 9. | Attitude (- %) | (\$ - -) | |
| 10. | Supplemental Environmental Project (- %) | (\$ - -) | |
| 11. | Voluntary Disclosure (- %) | (\$ - -) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 19

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO₂) - RQ - 500 lbs. DATE - 4/25/06**NATURE:** Type of Violation: CERCLA 103**EXTENT:** Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1**GRAVITY:** Divide amount of chemical involved in the violation (lbs.): 1019 lbs.
by 500 (RQ/TPQ) = 2 times the threshold
Matrix Level: C**CIRCUMSTANCES:** Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|----------------|--------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ ___ - ___ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation: | | \$ ___ - ___ |
| 4. | Add lines 1-3 | | \$ ___ - ___ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ ___ - ___) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ ___ - ___) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ ___ - ___) | |
| 8. | Size of business reduction (- _____ %) | (\$ ___ - ___) | |
| 9. | Attitude (- _____ %) | (\$ ___ - ___) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ ___ - ___) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ ___ - ___) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner

Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 20
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 5/7/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 714 lbs.
 by 500 (RQ/TPQ) = 1.4 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | |
|-----|--|------------|
| 1. | Base Penalty - | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | \$ - - |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | \$ - - |
| 4. | Add lines 1-3 | \$ - - |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ - -) |
| 6. | Culpability (% increase or decrease +/- - %) | (\$ - -) |
| 7. | Other factors as justice may require (- %) | (\$ - -) |
| 8. | Size of business reduction (- %) | (\$ - -) |
| 9. | Attitude (- %) | (\$ - -) |
| 10. | Supplemental Environmental Project (- %) | (\$ - -) |
| 11. | Voluntary Disclosure (- %) | (\$ - -) |
| 12. | Subtract lines (5-11) from line 4 | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 21
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 6/8/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 1890 lbs.
 by 500 (RQ/TPQ) = 3.8 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|------------------|----------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ ____ - ____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ ____ - ____ |
| 4. | Add lines 1-3 | | \$ ____ - ____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ ____ - ____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ ____ - ____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ ____ - ____) | |
| 8. | Size of business reduction (- _____ %) | (\$ ____ - ____) | |
| 9. | Attitude (- _____ %) | (\$ ____ - ____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ ____ - ____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ ____ - ____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner* Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 22

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO₂) - RQ - 500 lbs. DATE - 6/28/06**NATURE:** Type of Violation: CERCLA 103**EXTENT:** Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1**GRAVITY:** Divide amount of chemical involved in the violation (lbs.): 590 lbs.
by 500 (RQ/TPQ) = 1.2 times the threshold
Matrix Level: C**CIRCUMSTANCES:** Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|----------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ - - |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ - - |
| 4. | Add lines 1-3 | | \$ - - |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ - -) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ - -) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ - -) | |
| 8. | Size of business reduction (- _____ %) | (\$ - -) | |
| 9. | Attitude (- _____ %) | (\$ - -) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ - -) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ - -) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner

Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 23
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 6/29/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 1100 lbs. by 500 (RQ/TPQ) = 2.2 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|------------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ _____ |
| 4. | Add lines 1-3 | | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) | |
| 8. | Size of business reduction (- _____ %) | (\$ _____) | |
| 9. | Attitude (- _____ %) | (\$ _____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner* Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 24

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 8/10/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 877 lbs.
by 500 (RQ/TPQ) = 1.8 times the threshold
Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|------------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ _____ |
| 4. | Add lines 1-3 | | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) | |
| 8. | Size of business reduction (- _____ %) | (\$ _____) | |
| 9. | Attitude (- _____ %) | (\$ _____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
Signature: *Ellen Banner*

Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ
 Count#: 25
 Chemical Name/RQ/TPQ: Sulfur Dioxide (SO2) - RQ - 500 lbs. DATE - 9/8/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
 Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 1977 lbs.
 by 500 (RQ/TPQ) = 4 times the threshold
 Matrix Level: C

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|------------|------------|
| 1. | Base Penalty - | | \$ 12,090. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ _____ |
| 4. | Add lines 1-3 | | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) | |
| 8. | Size of business reduction (- _____ %) | (\$ _____) | |
| 9. | Attitude (- _____ %) | (\$ _____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$12,090.

Prepared by: E. Banner
 Signature: *Ellen Banner* Date: 10/18/07

PENALTY CALCULATION WORKSHEET

Respondent: Sunoco Eagle Point Facility, Westville, NJ

Count#: 26

Chemical Name/RQ/TPQ: Sulfur Dioxide (SO₂) - RQ - 500 lbs. DATE - 9/9/06

NATURE: Type of Violation: CERCLA 103

EXTENT: Time passed from deadline to actual date of compliance (in hours or days): greater than 2 hours after the release
Matrix Level: 1

GRAVITY: Divide amount of chemical involved in the violation (lbs.): 4161 lbs.
by 500 (RQ/TPQ) = 8.3 times the threshold
Matrix Level: B

CIRCUMSTANCES: Specify choice of penalty amount from range listed for the cell of the matrix based on circumstance factors: Middle of Matrix Box

- | | | | |
|-----|--|------------|------------|
| 1. | Base Penalty - | | \$ 20,150. |
| 2. | If per day, continuing reportable release, multiply line 1 by _____ days, beginning with the second day of violation. | | \$ _____ |
| 3. | Other per day violations, multiply line 1 by .01 = _____.
Multiply the per day penalty _____ by _____ days, beginning with the second day of violation. | | \$ _____ |
| 4. | Add lines 1-3 | | \$ _____ |
| 5. | Prior History: (Treble, 25%, 50%: + _____) | (\$ _____) | |
| 6. | Culpability (% increase or decrease +/- _____ %) | (\$ _____) | |
| 7. | Other factors as justice may require (- _____ %) | (\$ _____) | |
| 8. | Size of business reduction (- _____ %) | (\$ _____) | |
| 9. | Attitude (- _____ %) | (\$ _____) | |
| 10. | Supplemental Environmental Project (- _____ %) | (\$ _____) | |
| 11. | Voluntary Disclosure (- _____ %) | (\$ _____) | |
| 12. | Subtract lines (5-11) from line 4 | | |

Repeat procedure for each violation. \$20,150.

Prepared by: E. Banner
Signature: *Ellen Banner*

Date: 10/18/07