

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)
)
Sun Refining & Marketing Co.) FINDING OF VIOLATION
and Sunoco, Inc.)
Oregon, Ohio) EPA-5-02-01-OH
)
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)

FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) finds Sun Refining & Marketing Co. and Sunoco, Inc. (hereinafter, individually and collectively, "Sun"), which owns and/or operates a petroleum refinery located at 1819 Woodville Road, Oregon, Ohio (Toledo Refinery), in violation of:

1. Section 112 of the Clean Air Act, 42 U.S.C. § 7412, and regulations promulgated thereunder setting forth a National Emission Standard for Hazardous Air Pollutants (NESHAP) for Benzene Waste Operations at 40 C.F.R. Part 61, Subpart FF, §§ 61.340 through 61.358;
2. Section 111 of the Act, 42 U.S.C. § 7411, and regulations promulgated thereunder setting forth Standards of Performance for New Stationary Sources (NSPS) for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry, 40 C.F.R. Part 60, Subpart VV, 40 C.F.R. §§ 60.480 through 60.489; and also, 40 C.F.R. Part 63, Subpart CC (Refinery MACT) and 40 C.F.R. Part 60, Subpart GGG (NSPS for Equipment Leaks of VOC in Petroleum Refineries), both of which reference 40 C.F.R. Part 60, Subpart VV, for compliance.

U.S. EPA is notifying the State of Ohio and Sun of these violations by issuing this Finding of Violation (FOV).

Regulatory Authority: Subpart FF

3. On January 7, 1993, under Section 112 of the Act, U.S. EPA promulgated the NESHAP for Benzene Waste Operations (Benzene

Waste NESHAP). 40 C.F.R. Part 61, Subpart FF, §§ 61.340 through 61.358.

4. The Benzene Waste NESHAP applies to, among others, the owners and operators of petroleum refineries. 40 C.F.R. § 61.340(a).
5. Compliance with the Benzene Waste NESHAP is determined by reviewing facility records and results from tests and inspections. 40 C.F.R. § 61.342(g).
6. The Benzene Waste NESHAP requires the owner or operator of a petroleum refinery to determine the total annual benzene (TAB) quantity in its waste and to control the benzene in the waste if the TAB is greater than 10 megagrams per year (Mg/yr). 40 C.F.R. § 61.340.
7. Facilities with TAB quantities equal to or greater than 10 Megagrams per year (Mg/yr) must comply with one of the three compliance options listed at 40 C.F.R. §§ 61.342(c), (d), or (e). 40 C.F.R. § 61.355(a)(3).
8. The Benzene Waste NESHAP requires the owner or operator of a petroleum refinery with a TAB quantity equal to or greater than 10 Mg/yr to submit to the Administrator, a report that summarizes the regulatory status of each subject waste stream as follows: (1) the TAB quantity from facility waste, determined in accordance with the test methods and procedures of the NESHAP; (2) for all waste streams subject to the NESHAP, a table identifying whether or not each waste stream will be controlled for benzene emissions in accordance with the NESHAP; and (3) for each waste stream identified as not being controlled for benzene emissions, the table must indicate: (i) whether or not the water content of the waste stream is greater than 10 percent; (ii) whether or not the waste stream is a process wastewater stream, product tank drawdown, or landfill leachate; (iii) annual waste quantity for the waste stream; (iv) range of benzene concentrations for the waste stream; (v) annual average flow-weighted benzene concentration for the waste stream; and (vi) annual benzene quantity for the waste stream. 40 C.F.R. §§ 61.357(d)(2), 61.357(d)(5) and 61.357(a).
9. The Benzene Waste NESHAP at 40 C.F.R. § 61.345 sets forth requirements for containers in which waste is placed.

10. The Benzene Waste NESHAP at 40 C.F.R. §§ 61.346 and 61.347 set forth requirements for waste management units in which waste is placed.
11. The Benzene Waste NESHAP at 40 C.F.R. § 61.349 sets forth requirements for closed-vent systems and control devices.
12. The Benzene Waste NESHAP at 40 C.F.R. § 61.356 sets forth recordkeeping requirements.

**Regulatory Authority: NSPS Subparts GGG and VV
and NESHAP for Source Categories - Subpart CC**

NSPS Subpart GGG

13. On May 30, 1984, under Section 111(b) of the Act, U.S. EPA promulgated NSPS for Equipment Leaks of VOC in Petroleum Refineries, 40 C.F.R. Part 60, Subpart GGG, §§ 60.590 - 60.593.
14. The provisions of Subpart GGG apply to affected facilities in petroleum refineries. The group of all the equipment within a process unit is an affected facility; a compressor is also an affected facility. Subpart GGG defines "equipment" as each valve, pump, pressure relief device, sampling connection system, open-ended valve or line and flange or other connector in VOC service. 40 C.F.R. § 60.590(a).
15. Each owner or operator subject to Subpart GGG must comply with the requirements of 40 C.F.R. Part 60, Subpart VV, Sections 60.482-1 to 60.482-10, as soon as practicable, but no later than 180 days after initial startup. 40 C.F.R. § 60.592(a).

NESHAP For Source Categories - Subpart CC (Refinery MACT)

16. On August 18, 1995, under Section 112(d) of the Act, U.S. EPA promulgated the National Emission Standard for Hazardous Air Pollutants from Petroleum Refineries. 40 C.F.R. Part 63, Subpart CC, §§ 63.640 - 63.679 (Refinery MACT). This requirement became effective on August 18, 1998.

17. Subpart CC applies to petroleum refining process units and to all related emission points. For purposes of this Subpart, the affected source comprises all emission points, in combination, as listed at 40 C.F.R. § 63.640(c)(1) through (c)(7), including, but not limited to, all miscellaneous process vents and all equipment leaks from petroleum refining process units. 40 C.F.R. §§ 63.640(a) and (c).
18. Subpart CC at 40 C.F.R. § 63.648 sets forth equipment leak requirements and provides, among other things, that each owner or operator subject to the requirements of the Refinery MACT must comply with the provisions of 40 C.F.R. Part 60, Subpart VV.

NSPS Subpart VV

19. On October 18, 1983, under Section 111(b) of the Act, U.S. EPA promulgated NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry, 40 C.F.R. Part 60, Subpart VV, §§ 60.480 - 60.489 (SOCMI NSPS).
20. The SOCMI NSPS applies to industries that produce certain chemicals which are listed at 40 C.F.R. § 60.489; petroleum refineries produce certain listed chemicals.
21. The SOCMI NSPS requires each owner or operator in the synthetic organic chemicals manufacturing industry to monitor for volatile organic compound (VOC) leaks, to maintain records of all leak detection monitoring, and to repair leaks as prescribed by the SOCMI NSPS. 40 C.F.R. § 60.480.
22. The SOCMI NSPS at 40 C.F.R. § 60.482-2 sets forth requirements pertaining to pumps in light liquid service.
23. The SOCMI NSPS at 40 C.F.R. § 60.482-6 sets forth requirements pertaining to open-ended valves or lines.
24. The SOCMI NSPS at 40 C.F.R. § 60.482-7 sets forth requirements pertaining to valves in gas/vapor service and in light liquid service.

Factual Background

25. Sun owns and operates a petroleum refinery located at 1819 Woodville Road, Oregon, Ohio.

26. The Toledo refinery includes affected facilities under NSPS Subpart VV and GGG.
27. The Toledo refinery is a "petroleum refinery" as defined under 40 C.F.R. Part 61, Subpart FF.
28. The Toledo refinery includes "petroleum refining process units" as defined under 40 C.F.R. Part 63, Subpart CC.
29. Sun elected to comply with the option listed at 40 C.F.R. §61.342(C) under 40 C.F.R. Part 61, Subpart FF.
30. Among other activities, U.S. EPA conducted a file review at the Toledo refinery in February 2000, and conducted an onsite inspection at the Toledo refinery from June 18 to June 22, 2001.

Violations: NESHAP Subpart FF

31. Sun miscalculated the refinery total annual benzene (TAB) value on its 1999 and 2000 reports, in violation of 40 C.F.R. § 61.357(d) (2).
32. Sun did not report subject waste streams, as required, in calculating its TAB, in violation of 40 C.F.R. §§ 61.357(d) (2) and 61.357(a) (3).
33. Sun did not maintain a record for each visual inspection of control equipment that identifies a problem which could result in benzene emissions, in violation of 40 C.F.R. § 61.356(g).
34. Sun did not perform quarterly visual inspections and annual instrument monitoring of container openings, in violation of 40 C.F.R. §§ 61.345(a) (1) (i) and 61.345(b).
35. Sun did not perform quarterly visual inspections and annual instrument monitoring of waste management unit openings, in violation of 40 C.F.R. §§ 61.346 and 61.347.
36. Sun failed to submit quarterly certifications that all inspections had been carried out, in violation of 40 C.F.R. § 61.357(d) (6).
37. Sun failed to monitor closed vent system which were routing vapors to carbon canisters, in violation of 40 C.F.R. § 61.349(a) (1) (i).

38. Sun exceeded the 2 Mg compliance option, by failing to adequately maintain controls on its wastewater treatment system, its barrel dump system, and its sewers, in violation of 40 C.F.R. §§ 61.342(c)(1)(i), 61.342(c)(3)(ii), and 61.348(b)(1).

**Violations: NSPS Subparts VV and GGG
and NESHAP for Source Categories - Subpart CC**

39. Sun did not conduct twenty-four (24) monthly monitoring inspections of pumps in light-liquid service during May and June 1997, in violation of 40 C.F.R. § 60.482-2(a)(1).
40. Sun failed to include 1660 valves in light-liquid or gaseous-service in its LDAR program, from its LDAR program inception until 1999. In addition, 240 valves were not included in the program in 1998 and 1999. Both of the above described activities are violations of 40 C.F.R. § 60.482-7.
41. Sun did not conduct monitoring of 757 LDAR program valves from 1997 through 2000, in violation of 40 C.F.R. § 60.482-7.
42. Sun did not remonitor leaking valves for at least two consecutive months, in violation of 40 C.F.R. § 60.482-7(c)(2).
43. Sun did not equip each open-ended valve or line with a cap, blind flange, plug, or a second valve, in violation of 40 C.F.R. § 60.482-6.
44. Sun did not follow the requirements specified in Method 21, in violation of 40 C.F.R. §§ 60.482-7(a) and 60.485(b) and 40 C.F.R. Part 60, Appendix A, Method 21.

12/19/01
Date


Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-02-01-OH by Certified Mail, Return Receipt Requested, to:

Carolyn L. Green
V.P. for Health, Environmental, Safety and Public Policy
Sunoco, Inc.
1801 Market Street
Philadelphia, PA 19103

Michael Pollauf, Refinery Manager
Sun Refining & Marketing Co.
Toledo Refinery
1819 Woodville Road
Oregon, Ohio 43616

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Karen Granata, Administrator
City of Toledo, Ohio
Department of Public Utilities
Division of Environmental Services
Quilter Environmental Center
348 South Erie Street
Toledo, OH 43602-1633

Don Waltermeyer, APC
Northwest District Office
347 Dunbridge Road
Bowling Green, Ohio 43402

on the 20th day of December, 2001.

Betty Williams

Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER:

7099 3400 00009597 7225 - Carolyn L. Gu V.P.
7099 3400 00009597 7195 - Michael Hallauf