UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

VIA ELECTRONIC MAIL

Ms. Heather Sisson
Sr. Specialist HSE
Sunoco, LLC
2700 Ishkooda Wenonah Road
Birmingham, Alabama 35211
heather.sisson@sunoco.com

Re: Sunoco, LLC – Birmingham, Alabama
Notice of Potential Violation and Opportunity to Confer

Dear Ms. Sisson:

Information currently available to the U.S. Environmental Protection Agency suggests that Sunoco, LLC may have committed violations of Section 112(r)(7) of the Clean Air Act (CAA), 42 U.S.C. § 7412(r)(7), and its Risk Management Program (RMP) regulations found at 40 C.F.R. Part 68. By this letter, the EPA is extending to you an opportunity to advise the Agency via a conference call, or in writing, of any further information the EPA should consider with respect to the potential violations.

Specifically, on September 28, 2021, an authorized representative of the EPA conducted a compliance monitoring inspection at the facility located at 2700 Ishkooda Wenonah Road, Birmingham, Alabama (the facility) to determine compliance with the CAA and RMP regulations, and observed the following potential violations:

1. The owner or operator has more than a threshold quantity of a regulated substance in a process, as determined under § 68.115, and did not comply with the requirements of 40 C.F.R. Part 68 by no later than the date on which the regulated substance was first present above a threshold quantity in the process as required by 40 C.F.R. § 68.10(a)(3);
2. The owner or operator did not include the safe upper and lower limits for such items as temperatures, pressures, flows or compositions in the process safety information pertaining to the technology of the process as required by 40 C.F.R. § 68.65(c)(1)(iv);
3. The owner or operator did not document that equipment complies with recognized and generally accepted good engineering practices (RAGAGEP) as required by 40 C.F.R. § 68.65(d)(2);

4. The process hazard analysis (PHA) did not address a qualitative evaluation of a range of the possible safety and health effects of failure of controls as required by 40 C.F.R. § 68.67(c)(7);

5. The owner or operator did not update and revalidate the PHA at least every five (5) years after the completion of the initial PHA to assure that the PHA is consistent with the current process as required by 40 C.F.R. § 68.67(f);

6. The owner or operator did not retain PHAs and updates or revalidations for each process covered by 40 C.F.R. § 68.67, as well as the documented resolution of recommendations described in 40 C.F.R. § 68.67(e) for the life of the process as required by 40 C.F.R. § 68.67(g);

7. The owner or operator did not develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information as required by 40 C.F.R. § 68.69(a);

8. The owner or operator did not develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information that addressed operating limits as required by 40 C.F.R. § 68.69(a)(2);

9. The owner or operator did not review the operating procedures as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The owner or operator did not certify annually that these operating procedures are current and accurate as required by 40 C.F.R. § 68.69(c);

10. The owner or operator did not perform inspections and tests on process equipment; inspection and testing procedures did not follow RAGAGEP; and the frequency of inspections and tests of process equipment are not consistent with applicable manufacturers' recommendations and good engineering practices as required by 40 C.F.R. § 68.73(d)(1)-(3);

11. The owner or operator did not document each inspection and test that has been performed on process equipment as required by 40 C.F.R. § 68.73(d)(4);

12. The pre-startup safety review (PSSR) did not confirm that prior to the introduction of regulated substance to a process, safety, operating, maintenance, and emergency procedures are in place and are adequate as required by 40 C.F.R. § 68.77(b)(2);

13. The owner or operator did not certify that they have evaluated compliance with the provisions of 40 C.F.R. Part 68, Subpart D at least every three years to verify that procedures and practices developed under this subpart are adequate and are being followed as required by 40 C.F.R. § 68.79(a);

14. The owner or operator did not promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected as required by 40 C.F.R. § 68.79(d); and

15. The owner or operator did not prepare a report at the conclusion of an incident investigation which includes the date the investigation began as required by 40 C.F.R. § 68.81(d)(2).

The EPA has authority under Section 113 of the CAA, 42 U.S.C. § 7413, to pursue enforcement actions for violations of Section 112(r)(7) of the CAA and its RMP regulations found at 40 C.F.R. Part 68, including the issuance of compliance orders, the assessment of administrative penalties and/or the initiation of civil or criminal actions. To resolve the potential violations identified above, the EPA requests that a representative of the facility contact Mr. Jordan Noles, of my staff at (404) 562-9105, or via email at noles.jordan@epa.gov, within **seven (7) calendar days** of receipt of this letter to make arrangements to schedule a teleconference to discuss the potential violations and the EPA's possible enforcement action. Please note that the EPA will have legal representation during these discussions. Please inform Mr. Noles if you intend to have legal representation present as well.

You may voluntarily submit any documentation or information that you would like the EPA to review in advance of any teleconference on the matter as to why you believe the EPA should not take an enforcement action with respect to the above-mentioned potential violations. If you decide to submit such documentation or information, the EPA respectfully requests that you do so two weeks in advance of the teleconference. If you have questions regarding the type of information that should be submitted to the EPA or any other questions regarding this matter, please contact Mr. Jordan Noles at the contact information identified above.

Sincerely,

JASON DRESSLER

Digitally signed by JASON DRESSLER
Date: 2022.02.04 13:58:48 -05'00'

Jason Dressler
Chief
North Air Enforcement Section