

Case 2:05-cv-02866-PBT Document 44-12 Filed 12/06/13 Page 1 of 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	
and)	
)	
COMMONWEALTH OF PENNSYLVANIA)	CIVIL ACTION NO. 05-02866
CITY OF PHILADELPHIA)	
STATE OF OKLAHOMA)	
STATE OF OHIO)	
Plaintiff/Intervenors,)	
)	
v.)	
)	
SUNOCO, INC.)	
Defendant)	

**ORDER TO TERMINATE CONSENT DECREE
AS TO MARCUS HOOK REFINERY**

This matter, having been raised before the Court on the motion of Sunoco, Inc. R&M ("Sunoco") for an Order terminating the Consent Decree entered by this Court on March 21, 2006, and amended on June 3, 2009, August 30, 2011, September 1, 2011, and April 18, 2013 ("Consent Decree"); and this Court having considered Sunoco's Unopposed Motion to Terminate the Consent Decree as to the Marcus Hook Refinery, including Sunoco's documentation that it has permanently shutdown and relinquished all operating permits at the Marcus Hook Refinery as required by Paragraphs 245 and 247 of the Consent Decree; and having been informed by Sunoco that the United States and the Commonwealth of Pennsylvania do not oppose Sunoco's Unopposed Motion to Terminate the Consent Decree as to the Marcus Hook Refinery,

THEREFORE ORDERS that on this 6th day of DEC, 2013, the Consent Decree as to the Marcus Hook Refinery is hereby terminated.

Rebecca J. Tucker

J.

Attachment 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	
and)	
)	
COMMONWEALTH OF PENNSYLVANIA)	CIVIL ACTION NO. 05-02866
CITY OF PHILADELPHIA)	
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Plaintiff/Intervenors,)	
)	
v.)	
)	
SUNOCO, INC.)	
Defendant)	
_____)	

UNOPPOSED MOTION TO TERMINATE CONSENT DECREE
AS TO MARCUS HOOK REFINERY

WHEREAS, the United States of America (hereinafter “the United States”); the Commonwealth of Pennsylvania, the City of Philadelphia, the State of Oklahoma, and the State of Ohio; and Sunoco, Inc. R&M (hereinafter “Sunoco”) are parties to a Consent Decree entered by this Court on March 21, 2006, and amended on June 3, 2009, August 30, 2011, September 1, 2011, and April 18, 2013 (“Consent Decree”), covering petroleum refineries located in Marcus Hook and Philadelphia, Pennsylvania, in Tulsa, Oklahoma and in Toledo, Ohio; and

WHEREAS, on September 6, 2011, for business reasons, Sunoco announced that it would temporarily idle the crude refining operations at the facility located in Marcus Hook, Pennsylvania (hereinafter the “Marcus Hook Refinery” as defined in Paragraph 10.SS of the Consent Decree), and on approximately December 1, 2011, began to permanently shutdown those operations; and

WHEREAS, by December 31, 2011, Sunoco had ceased all crude refining operations at the Marcus Hook Refinery in that Sunoco was no longer operating any of the emissions units necessary to support crude refining; and

WHEREAS, Sunoco has permanently ceased all crude refining operations at the Marcus Hook Refinery through the permanent shutdown of, and relinquishment of all operating permits for, the Marcus Hook Refinery as further described herein, and

WHEREAS, all of the emission units at the Marcus Hook Refinery which were required to obtain permits incorporating specified surviving emission limits and standards established under Section V of the Consent Decree have been permanently shut down and the associated permits relinquished; and

WHEREAS, the Commonwealth of Pennsylvania is the “Appropriate Plaintiff/Intervenor,” as that term is used in Paragraph 243 of the Consent Decree, for the Marcus Hook Refinery; and

WHEREAS, Paragraph 245 of the Consent Decree authorizes Sunoco to file a Motion for Termination under the conditions identified in Paragraph 247; and

WHEREAS, pursuant to Paragraph 247 of the Consent Decree, on December 20, 2012, Sunoco provided written notice to the United States and the Commonwealth of Pennsylvania that Sunoco has satisfied the requirements for termination for the Marcus Hook Refinery as set forth in Paragraph 245, including the payment of all penalties and monetary obligations as they apply to the Marcus Hook Refinery; and

WHEREAS, Sunoco has advised the United States and the Commonwealth of Pennsylvania as to its intent to file this Motion to Terminate the Consent Decree as to the Marcus Hook Refinery; and

WHEREAS, Sunoco hereby represents to this Court that the United States and the Commonwealth of Pennsylvania have informed Sunoco that they do not object to Sunoco's certification under Paragraph 247 of the Consent Decree and that they do not oppose Sunoco's Motion to Terminate the Consent Decree as to the Marcus Hook Refinery; and

NOW THEREFORE, Sunoco hereby moves this Court for termination of the Consent Decree as follows:

1. Pursuant to Paragraph 245 of the Consent Decree, the Consent Decree shall be subject to termination upon motion by Sunoco under the conditions identified in Paragraph 247 of the Consent Decree.
2. As provided by Paragraph 245 of the Consent Decree, Sunoco may seek termination of the Consent Decree for any of its refineries covered by the Consent Decree.
3. Pursuant to Paragraph 244 of the Consent Decree, the permanent shutdown of a unit shall be deemed to satisfy all requirements applicable to that unit, and the permanent shutdown of a refinery shall be deemed to satisfy all requirements applicable to that refinery.
4. Pursuant to Paragraph 245, the Consent Decree shall be subject to termination anytime after the permanent shutdown of, and relinquishment of all operating permits for, such refinery.
5. On September 6, 2011, for business reasons, Sunoco announced that it would temporarily idle the crude refining operations at the Marcus Hook Refinery. As of approximately December 1, 2011, Sunoco began to permanently shut down those crude refining operations.

6. By December 31, 2011, Sunoco ceased all crude refining operations at Marcus Hook in that Sunoco was no longer operating any of the emissions units necessary to support crude refining.
7. By August 20, 2012, Sunoco had permanently retired those emissions units necessary to support crude refining operations at the Marcus Hook Refinery (i.e., those emissions units located within Pennsylvania).
8. By April 15, 2013, Sunoco had relinquished to the State of Delaware, Department of Natural Resources and Environmental Control, Division of Air and Waste Management all applicable air permits necessary to operate refining emissions units at Marcus Hook.
9. As described in Paragraph 7, and as documented in Exhibit A to this Motion, the applicable operating permits issued by the Commonwealth of Pennsylvania document the permanent shutdown of relevant emissions units at the Marcus Hook Refinery.
10. As described in Paragraph 8, and as documented in Exhibit B to this Motion, Sunoco has relinquished the applicable operating permits issued by the State of Delaware, Department of Natural Resources and Environmental Control, Division of Air and Waste Management, in order to establish the permanent shutdown of relevant emissions units at the Marcus Hook Refinery.
11. Therefore, as described in Paragraphs 5 through 10 of this Motion for Termination, Sunoco has met the requirements of Paragraphs 245 and 247 of the Consent Decree in that Sunoco has permanently shutdown and relinquished the operating permits for crude refining at the Marcus Hook Refinery.
12. Accordingly, Sunoco hereby moves this Court for an Order to Terminate the Sunoco Consent Decree solely as to the Marcus Hook Refinery.

13. Such Order to Terminate the Consent Decree as to the Marcus Hook Refinery shall not affect any of the provisions set forth in the Consent Decree, as amended, that are applicable to the refineries located in Philadelphia, Toledo and Tulsa.

Dated: December 6, 2013

Respectfully submitted,

/s / Ilana S. Saltzbar

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was served on December 6, 2013, by the Court's Electronic Case Filing system.

/s/ Ilana S. Saltzbar

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