

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA and)	Hon. Joseph H. Rodriguez
STATE OF NEW JERSEY)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:03-04625
)	
SUNOCO, INC. (R&M),)	
)	
Defendant.)	

ORDER TO TERMINATE CONSENT DECREE

This matter having been raised before the Court on the Motion of Defendant Sunoco, Inc. (R&M) (“Sunoco”), for an Order terminating the Consent Decree entered by this Court on December 2, 2003, as modified by this Court’s March 15, 2004 Order to Substitute Sunoco for Coastal Eagle Point Oil Company (“Consent Decree”) [44], and the Court having considered the Declaration of Michael G. Murphy submitted in Support of Sunoco, Inc. (R&M)’s Motion to Terminate the Consent Decree and the exhibit annexed thereto, and the Court having been informed that neither Plaintiff opposes the Motion or this Court’s issuance of the proposed Order terminating the Consent Decree,

IT IS THEREFORE this 5th day of March, 2012 ORDERED that the Consent Decree is hereby terminated.

/s/ Joseph H. Rodriguez
JOSEPH H. RODRIGUEZ
United States District Judge

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)
Defendant.)
_____)

Civil Action No. 1:03 CV 04625

NOTICE OF SUNOCO, INC. (R&M)'S
MOTION TO TERMINATE CONSENT DECREE

PLEASE TAKE NOTICE that upon the Declaration of Michael G. Murphy, dated February 24, 2012, and the exhibit annexed thereto, Defendant Sunoco, Inc. (R&M) (“Sunoco”), by and through its attorneys, Beveridge & Diamond, shall move this Court, before the Honorable Joseph H. Rodriguez, on March 19, 2012, at a time to be determined by the Court, at the United States Courthouse for the District of New Jersey, Mitchell H. Cohen Building & U.S. Courthouse, 4th and Cooper Streets, Courtroom 5D, Camden, New Jersey, 08101, for an Order terminating the Consent Decree entered by this Court on December 2, 2003 and modified per this Court’s March 15, 2004 Order to Substitute Sunoco for Coastal Eagle Point Oil Company (“the Consent Decree”). Plaintiff United States of America has informed Sunoco that it does not oppose this motion.

Dated: February 24, 2012

Respectfully submitted.

BEVERIDGE & DIAMOND

/s/ Michael G. Murphy

By: Michael G. Murphy
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Attorneys for Defendant Sunoco, Inc. (R&M)

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**DECLARATION OF MICHAEL G. MURPHY IN SUPPORT
OF SUNOCO, INC. (R&M)'S MOTION TO TERMINATE THE CONSENT DECREE**

I, Michael G. Murphy, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney with Beveridge & Diamond, attorneys of record for Defendant Sunoco, Inc. (R&M) ("Sunoco"), in the above-captioned case. I submit the following declaration based upon personal knowledge with respect to the Exhibit attached to this Declaration, in support of Sunoco's Motion to Terminate the Consent Decree, filed herewith.

2. Plaintiffs United States of America and the State of New Jersey entered into a Consent Decree with Coastal Eagle Point Oil Company, which was entered by this Court on December 2, 2003 and modified per this Court's March 15, 2004 Order to Substitute Sunoco for Coastal Eagle Point Oil Company ("the Consent Decree").

3. Paragraph 196 of Section XVIII of the Consent Decree provides: "This Consent Decree shall be subject to termination upon motion by the United States, in consultation with New Jersey, or [Sunoco] (under the procedure identified in Paragraph 198)."

4. Paragraph 198 of Section XVIII of the Consent Decree provides: "At such time as [Sunoco] believes that it has satisfied the requirements for termination set forth in Paragraph

196, [Sunoco] shall certify such compliance and completion to the United States and New Jersey in writing as provided in Paragraph 192 (Notice). Unless, within 120 days of receipt of [Sunoco]'s certification under this Paragraph, either the United States or New Jersey objects in writing with specific reasons, [Sunoco] may move this Court for an order that this Consent Decree be terminated.”

5. In November, 2009, Sunoco shut down the refinery that is the subject of the Consent Decree. The only Consent Decree-affected units that have operated since that time and are expected to remain operational after the proposed termination of the Consent Decree are four boilers, certain product storage tanks, and portions of the wastewater collection and treatment system. All other Consent Decree-affected units at the refinery have been permanently shut down, and Sunoco surrendered the associated operating permits in April, 2011.

6. Pursuant to Paragraph 198 of the Consent Decree, on July 26, 2011, Sunoco certified its compliance and completion of all applicable Consent Decree requirements and provided written notice of its certification of compliance and completion to the United States, the U.S. Environmental Protection Agency (“EPA”), EPA Region 2, and the State of New Jersey in accordance with the Notice requirements of Paragraph 192 of the Consent Decree.

7. Specifically, Sunoco certified that it has completed and satisfied the following requirements of the Consent Decree: (i) installation of control technology systems as specified in the Consent Decree; (ii) compliance with all provisions contained in the Consent Decree; (iii) application for and receipt of permits incorporating the surviving emission limits and standards established under Section V of the Consent Decree; and (iv) operation for at least one year of each unit in compliance with the emission limits established herein, and certification of such

compliance for each unit within the first six (6) month period progress report following the conclusion of the compliance period.

8. With respect to item (ii) in paragraph 7, above, Sunoco is not subject to the obligations of Section VIII (Environmental Beneficial Project) and Section X (Civil Penalty) of the Consent Decree, per the Court's March 15, 2004 Order to Substitute Sunoco for Coastal Eagle Point Oil Company.

9. A table of the emission limits and standards of the Consent Decree attached hereto as Exhibit 1 will survive the Consent Decree's termination. They are included in the Title V Operating Permit terms and conditions.

10. At this time, the New Jersey Department of Environmental Protection is currently in the process of issuing revised final permits for the Consent Decree-affected units that will remain in operation after the Consent Decree's proposed termination. These final permits will merely remove provisions that are no longer applicable to these units in their new operating capacity, but otherwise make no further substantive changes relevant to the Consent Decree.

11. Sunoco has been in communication with the other parties as to its intent to file this motion to terminate. The United States has informed Sunoco that it does not oppose Sunoco's motion to terminate the Consent Decree.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 24, 2012.

/s/ Michael G. Murphy

Michael G. Murphy