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# Sunoco Partners Marketing & Terminals, L.P. Facility Flare/Appeal of Pennsylvania Department of Environmental Protection Air Emissions Plan Approval: Settlement Agreement Executed

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The Environmental Integrity Project and Clean Air Council (collectively "EIP") and Sunoco Partners Marketing & Terminals, L.P. entered into an April 7th Stipulation of Settlement ("Settlement") addressing a challenge to the Pennsylvania Department of Environmental Protection's ("DEP") issuance of Air Emissions Plan Approval No. 23-0119H ("Plan Approval H").

Plan Approval H authorized Sunoco Partners & Terminals ("Sunoco") to install the West Warm Flare at the Marcus Hook Industrial Complex in Marcus Hook, Pennsylvania.

EIP appealed DEP's issuance of Plan Approval H.

The West Warm Flare was previously described by Sunoco as a replacement for another flare known as the Ethylene Complex Flare. Such flare was stated to have reached the end of its useful life. It would be utilized to control vapor streams generated by process units at the facility. Despite the West Warm Flare's replacement of an existing one, it was permitted as a new source.

Sunoco had previously agreed to surrender volatile organic compound emission reduction credits because Plan Approval H is stated to have exceeded the Clean Air Act New Source Review Threshold for Volatile Organic Compounds. The company is stated to have surrendered 106.83 tons of VOCs. They were obtained by the shutdown of Maryland-based Crown Cork & Seal USA, Inc., in 2015. Maryland has a reciprocal agreement with Pennsylvania for the trading and use of emission reduction credits.

The Settlement entered into by Sunoco and EIP stays the previously referenced Administrative Appeal. The stay remains in place in anticipation of Sunoco's undertaking the action required in Paragraph 1 of the Settlement which states:

1. **RETIREMENT OF EMISSION REDUCTION CREDITS.** By June 30, 2020, SPMT will provide 53 tons of volatile organic compound ("VOC") emission reduction credits ("credits") to the Department for retirement. Those credits will have been generated in any of the following Pennsylvania counties or any combination of these counties: Delaware, Bucks, Chester, Montgomery, and Philadelphia. Those credits may either be purchased through the Department's Emission

Reduction Credit Registry System before retirement or already possessed by SPMT. In surrendering the credits to the Department for retirement, SPMT will not use the credits' surrender in fulfillment of any permit requirements. SPMT will furnish to Appellants a copy of the official Department documentation of the retirement of the credits no later than five business days after receiving that documentation.

The appeal would then be terminated after the actions required in Paragraph 1 are completed.

A copy of the Settlement can be downloaded [here](#).