



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

901 Locust Street, Suite 462
Kansas City, MO 64106-2641

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 17, 2009

Mr. Vincent Kelley
Sr. Vice President
Refining and Supply
Sun Refining and Marketing (Sunoco R&M)
1735 Market Street
Suite LL
Philadelphia, PA 19103

CPF 3-2009-5015W

Dear Mr. Kelley:

On October 24-28, 2005, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected your Toledo Refinery pipeline facilities in Toledo, Ohio.

As a result of the inspection, it appears that you have committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations. The items inspected and the probable violations are:

1. **195.573 What must I do to monitor external corrosion control?**

(a) Protected pipelines. You must do the following to determine whether cathodic protection required by this subpart complies with Sec. 195.571:

(1) Conduct tests on the protected pipeline at least once each calendar year, but with intervals not exceeding 15 months. However, if tests at those intervals are impractical for separately protected short sections of bare or ineffectively coated pipelines, testing may be done at least once every 3 calendar years, but with intervals not exceeding 39 months.

Sunoco R&M failed to test the cathodic protection levels on Breakout Tanks 409 and 412 within the required 15 month intervals from calendar year 2004 to calendar year 2005. The Bi-Monthly Rectifier and Annual Survey reports for Breakout Tanks 1601, 1602, 16015, 409, and 412 indicate cathodic protection levels on Breakout Tanks 409 and 412 were both tested on June 1, 2004, and were next tested on September 30, 2005. This testing interval is 15 months and 29 days, which exceeds the 15 month maximum interval allowed.

2. 195.573 What must I do to monitor external corrosion control?

(c) Rectifiers and other devices. You must electrically check for proper performance of each device in the first column at the frequency stated in the second column.

Device
Rectifier

Check frequency
At least six times each calendar year, but with intervals not exceeding 2 ½ months

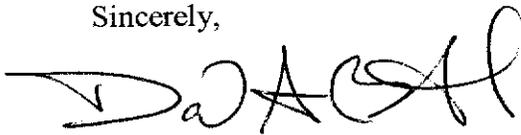
The Bi-Monthly Rectifier and Annual Survey reports indicate Sunoco R&M failed to electrically check three rectifiers for proper performance six times during calendar year 2004, and had four rectifier inspection intervals which exceeded 2-1/2 months. Rectifier #2, which provides cathodic protection for Tank 409, was checked five times during 2004. The interval between the February 17 and May 24 checks was three months and seven days. Rectifier #7, which provides cathodic protection for Tank 412, was checked on the same days as Rectifier #2, so it has the same violations. The Consaul Street Rectifier, which provides cathodic protection to Line #59, was checked on June 1 and August 23 of 2004, an interval of two months and 22 days. Rectifier #65+00 (South of Seaman Street, South of I-280), which provides cathodic protection for the eight inch Toledo Refinery Dock Line, was checked four times during calendar year 2004, with an interval that extended from October 17, 2003 to June 1, 2004, or 7 months and 14 days.

Under 49 United States Code, § 60122, you are subject to a civil penalty not to exceed \$100,000 for each violation for each day the violation persists up to a maximum of \$1,000,000 for any related series of violations. We have reviewed the circumstances and supporting documents involved in this case, and have decided not to conduct additional enforcement action or penalty assessment proceedings at this time. We advise you to correct the items

identified in this letter. Failure to do so will result in Sunoco R&M being subject to additional enforcement action.

No reply to this letter is required. If you choose to reply, in your correspondence please refer to **CPF 3-2009-5015W**. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Sincerely,

A handwritten signature in black ink, appearing to read 'Ivan A. Huntoon', written in a cursive style.

for Ivan A. Huntoon
Director, Central Region
Pipeline and Hazardous Materials Safety Administration