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U.S. SETTLES SUIT AGAINST SUNOCO OVER 192,000 GALLON OIL SPILL AT JOHN HEINZ NATIONAL WILDLIFE REFUGE

Sunoco to Pay Over \$3.6 Million for Penalties and Natural Resources Damages

WASHINGTON, D.C. - Sunoco, Inc. (R&M) and Sun Pipeline Company (collectively, "Sunoco") have agreed to pay more than \$3.6 million to settle a federal government lawsuit over the massive oil spill at the John Heinz National Wildlife Refuge at Tinicum in February, 2000. The Justice Department today filed the settlement papers in federal district court in Philadelphia, on behalf of the U.S. Environmental Protection Agency and the U.S. Fish and Wildlife Service (FWS).

Under the proposed consent decree, Sunoco will be required to pay a penalty exceeding \$2.7 million for Clean Water Act violations. The violations are related to the discharge of an estimated 192,000 gallons of crude oil into a pond and surrounding wetlands at the refuge as the result of a crack in an oil pipeline. This penalty is to be deposited in the federal Oil Spill Liability Trust Fund (<http://www.epa.gov/oilspill/oilfund.htm>). In addition, Sunoco has agreed to pay \$865,000 for damages to natural resources caused by the same oil spill.

"The settlement reached today exemplifies the Justice Department's and EPA's strong commitment to ensuring that violations of the Clean Water Act will be met with stiff penalties. In order to uphold environmental laws, corporations must regularly inspect and maintain any and all equipment that is in a position to pollute the environment," said Kelly A. Johnson, Acting Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "Through interagency efforts, we are helping to restore a historic site in Pennsylvania and renew a vital habitat for a number of species."

The John Heinz National Wildlife Refuge (<http://heinz.fws.gov/>) <(<http://heinz.fws.gov/>)>, located in Philadelphia and Darby Township, PA, contains the largest remaining freshwater tidal wetland area in Pennsylvania. The 1000-acre refuge is the habitat of several species of birds, mammals, amphibians, and reptiles, including the threatened red-bellied turtle and southern leopard frog.

"This consent decree is the final step in resolving the Heinz Refuge spill," said Thomas V. Skinner, EPA Acting Assistant Administrator for Enforcement and Compliance Assurance. "Sunoco and Sun have acknowledged their responsibility, cleaned up the spill, and paid a significant penalty as a result of the federal government's enforcement action."

Government investigators believe that the crack in Sunoco's 24-inch diameter crude oil pipeline went undetected for at least three days before February 5, 2000, when a refuge visitor reported oil odors to FWS personnel, who immediately notified Sunoco. According to the government, among the factors that caused or contributed to the oil spill were a defective pipeline joint, inadequate pipeline maintenance, and inadequate leak detection measures. Subsequently, Sunoco removed the defective joint, as well as several similar

joints in the associated pipelines, and installed advanced leak detection systems.

"The John Heinz National Wildlife Refuge is a wonderful oasis which provides vital habitat for wildlife and unique opportunities for fishing, birding or just appreciating nature in an urban environment. EPA is very pleased with this settlement, which fairly resolves Sunoco's liability for the environmentally devastating oil spill that occurred in 2000," said Donald S. Welsh, EPA Regional Administrator for the mid-Atlantic Region.

EPA issued an emergency cleanup order to Sunoco on February 7, 2000, followed by a February 29, 2000 order requiring long-term remediation of oil-contaminated soil and sediments in the refuge. Sunoco has since removed the crude oil from the refuge's 145-acre wetlands pond, excavated contaminated soils and sediments, and revegetated the affected area with new plants and grasses.

"This spill damaged one of our country's most valued resources-land dedicated to conserving wildlife and wildlife habitat as a national wildlife refuge," said U.S. Fish and Wildlife Service's Northeast Regional Director Marvin E. Moriarty. "We are pleased with the settlement, and we look forward to restoring wildlife habitat to compensate for the natural resource injuries at the site."

The Clean Water Act prohibits discharges of oil into U.S. waterways and coastal areas and adjoining shorelines in quantities that may be harmful to the public health or the environment. Oil spills threaten both fresh water and marine environments, harming plant and animal life through physical damage and the toxicity of the oil itself, which may poison exposed organisms. For more information on oil spills and spill cleanups, visit <http://www.epa.gov/oilspill>.

The proposed consent decree is subject to a 30-day public comment period and court review and approval.

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