

**New York State Department of Environmental Conservation**

**Office of General Counsel, Region 4**

1130 North Westcott Road, Schenectady, New York 12306-2014

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Joe Martens  
Commissioner

Via E-Mail

August 19, 2013

Dean S. Sommer, Esq.  
Young, Sommer LLC  
5 Palisades Drive  
Albany, NY 12205  
dsommer@youngsommer.com

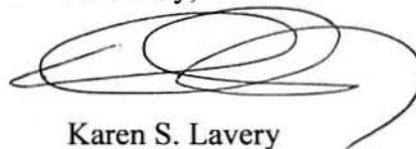
Re: Global Companies LLC  
Order on Consent  
R4-2013-0620-85

Dear Mr. Sommer:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$2500 the civil penalty pursuant to Paragraph I.

Sincerely,



Karen S. Lavery  
Assistant Regional Attorney  
Region 4

Enclosure

cc: D. Welsted

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of Violations  
of Environmental Conservation Law,  
Article 19

Order on Consent  
File No. R4-2013-0620-85

-by-

Global Companies, LLC  
800 South Street  
Waltham, MA 02454-9161

Respondent

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WHEREAS:

1. New York State Department of Environmental Conservation ("Department") has administrative jurisdiction to safeguard the air resources of the state pursuant to ECL Article 19.
2. Respondent, Global Companies, LLC owns/operates a facility which provides storage, distribution and marketing of energy products, located at 50 Church Street, Albany, New York ("facility").
3. Respondent operates the facility pursuant to a 6 NYCRR Part 201-6 Title V permit (#4-0101-00112/00029) that contains general and special conditions ("permit").
4. On November 2, 2012, Respondent installed a new marine Vapor Combustion Unit ("Source ID VCUM2").
5. On May 14, 2013, a Stack Test was conducted on Source ID VCUM2 at the site to ensure compliance with emission caps taken at the facility. The test was subsequently found to be invalid due to calculative problems.
6. Respondent notified the Department that the Source ID VCUM2 was initially put into service on November 19, 2012.
7. The facility had a total of 180 days from the initial start-up of Source ID VCUM2 to complete the stack test with the final report submitted to the Department by May 18, 2013.
8. The final report was not submitted to the Department by May 18, 2013. The final report was submitted to the Department on August 7, 2013.
9. Permit Condition 4-3 states in the monitoring description that "*The vapor combustion unit shall be tested with report submitted to the Department within 180 days after initial notification of startup to determine if the vapor combustion unit achieves the 3 milligrams per liter limit.*"

10. Respondent violated Permit Condition 4-3 by failing to submit to the Department, the final report for the stack test of VCU Source ID: VCUM2 by May 18, 2013.

#### Civil Penalty

11. ECL Section 71-2103(1) provides that: ..." any person who violates any provision of article nineteen or any code, rule or regulation which was promulgated pursuant thereto;... shall be liable, in the case of a first violation, for a penalty not less than three hundred seventy-five dollars nor more than fifteen thousand dollars for said violation and an additional penalty of not to exceed fifteen thousand dollars for each day during which such violation continues. In addition thereto, such person may be enjoined from continuing such violation as hereinafter provided."

#### Waiver of Hearing

12. Respondent has affirmatively waived its right to notice and hearing in the manner provided by law, and have consented to the issuing and entering of this Order and agrees to be bound by the terms, provisions and conditions contained herein.

**NOW**, having considered this matter and being duly advised, it is **ORDERED** that:

I. In respect of the aforesaid violations, a civil penalty in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) is assessed against the Respondent for the above violations. The penalty is due with the return of the signed and notarized Order made payable to the Department of Environmental Conservation by bank check.

II. Pursuant to ECL Section 71-0301, the Commissioner specifically reserves the right to exercise summary abatement authority.

III. This Order is binding upon the Respondent, its agents, employees, successors, assigns and to all persons and firms, and corporations acting subordinate thereto.

IV. No change or modification to this Order shall be made or be effective except as may be specifically set forth in writing by the Commissioner or Regional Director. Such application shall be made to the Regional Director.

V. For the purpose of insuring compliance with this Order, duly authorized representatives of this Department shall be permitted access to the site in question in order to inspect and/or require such tests as may be deemed necessary to determine the status of Respondent's compliance herewith.

VI. The effective date of this Order shall be the date upon which it is signed on behalf of the Department.

VII. Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, its employees, its servants, its agents, its successors or its assigns.

VIII. Except as specifically provided in this Order, nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting:

A. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the State may have against Respondent for any other violations of the ECL, rules or regulations promulgated thereunder or permits issued thereunder;

B. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the State may have against anyone other than Respondent, its agents, its servants, its employees, its successors and its assigns;

C. Whatever right the Department has to bring any action or proceeding against Respondent and/or any of Respondent's employees, servants, agents, successors, and assigns with respect to claims for natural resource damages; and

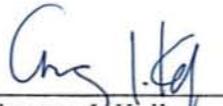
D. Respondent's right to assert all available defenses to any claims, actions, proceedings, suits, causes of actions or demands made or commenced by the State or the Department provided, however, that Respondent waives all legal or equitable rights claims, actions, proceedings, appeals, suits, causes of action, defenses or demands whatsoever that it may have to a judicial review of the validity and binding effect of this Order and whether or not this Order has been entered into voluntarily by Respondent.

IX. If more than one Respondent is a signatory to this Order, use of the term "Respondent" in this Order shall be deemed to refer to each Respondent identified in the Order.

DATED: 8/19, 2013  
Rotterdam, New York

Joseph J. Martens  
Commissioner  
New York State Department of  
Environmental Conservation

BY:

  
Eugene J. Kelly  
Regional Director  
Region 4

CONSENT BY RESPONDENT

Global Companies, LLC

Respondent hereby consents to the issuing and entering of this Order, waives its right to a hearing herein, and agrees to be bound by the provisions, terms and conditions contained herein.

BY: Edward J. Faneuil  
STATE OF NEW YORK )  
Commonwealth of Mass. ) ss.:  
COUNTY OF Middlesex )

TITLE: Executive Vice President

On the 14<sup>th</sup> day of August in the year 2013, before me, the undersigned,

personally appeared Edward J. Faneuil,  
(Full name)

personally known to me who, being duly sworn, did depose and say that he/she/they reside at

56 Gatewood Drive, Needham, MA 02492  
(Full mailing address)

and that he/she/they is (are) the

Executive Vice President  
(President or other officer or director or attorney in fact duly appointed)

of the Global Companies LLC  
(Full legal name of corporation)

the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

Mary Ellen Walsh  
Notary Public, State of New York  
Commonwealth of Massachusetts

