



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 8-2626-00006/00008
Effective Date: 02/06/2014 Expiration Date: 02/05/2024

Permit Issued To: BUCKEYE ROCHESTER TERMINAL LLC
5002 BUCKEYE RD
EMMAUS, PA 18049

Facility: ROCHESTER WEST TERMINAL
1975 LYELL AVE
ROCHESTER, NY 14606

Contact: MARK BONENBERGER
BUCKEYE ROCHESTER TERMINAL LLC
5002 BUCKEYE RD
EMMAUS, PA 18049
(610) 904-4467

Description:
Air State Facility Permit transfer from Hess Corporation to Buckeye Rochester Terminal LLC.

This Air State Facility Permit for a gasoline and petroleum distillate storage and transfer terminal was last modified December 1, 2009 to authorize installation of a 475,000 gallon gasoline/ethanol storage tank and remove from the Permit two 19,800 gallon denatured ethanol storage tanks that were not installed.

Permit conditions limiting facility throughput in any 12 month period to 131,712,000 gallons of gasoline and 49,560,000 gallons of distillates will remain unchanged from the initial Air State Facility Permit issued April 13, 1999, except to reference that the gasoline may be a gasoline/ethanol mix. These conditions will continue to restrict emissions of VOC to below the 50 ton per year threshold of 6NYCRR Part 201-6 (Title V).

Records demonstrating compliance are to be maintained on site for a minimum of 5 years and made available to Department inspectors upon request.

New York State Department of Environmental Conservation
Facility DEC ID: 8262600006



By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: SCOTT SHEELEY
 NYSDEC - REGION 8
 6274 E AVON LIMA RD
 AVON, NY 14414

Authorized Signature: _____ Date: ___ / ___ / _____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Permit modifications, suspensions or revocations by the Department



DEC GENERAL CONDITIONS
****** General Provisions ******
GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Permit modifications, suspensions or revocations by the Department
Applicable State Requirement: 6 NYCRR 621.13

Item 1.1:

The Department reserves the right to exercise all available authority to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

New York State Department of Environmental Conservation

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**ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY
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Authorized Activity By Standard Industrial Classification Code:
None Listed On Application

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**NO CONDITIONS FOR THIS
PERMIT**