

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2048 | F: (518) 357-2087
www.dec.ny.gov

CERTIFIED - RETURN RECEIPT REQUESTED
7017 1070 0001 0125 8701

May 31, 2018

Steven Tracey
Assistant Operations Manager
Buckeye Albany Terminals, LLC
301 Normanskill Street
Albany, NY 12202

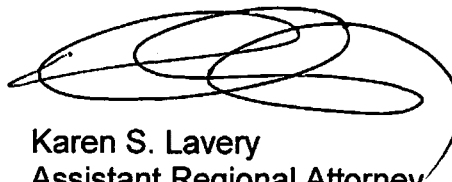
Re: Order on Consent
R4-2018-0411-115

Dear Mr. Tracey:

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

This will also acknowledge receipt of \$15,750 the civil penalty pursuant to Paragraph I.

Sincerely,



Karen S. Lavery
Assistant Regional Attorney
Region 4

Enclosure

ec: D. Welsted
J. Hogan
T. Christoffel

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of
Violations of Article 19
of the Environmental
Conservation Law of the
the State of New York by:

-by-

Order on Consent
File No. R4-2018-0411-115

Buckeye Albany Terminals, LLC
301 Normanskill Road
Albany, NY 12202

Respondent

WHEREAS:

JURISDICTION

1. The New York State Department of Environmental Conservation (DEC or Department) is the State agency with jurisdiction over the environmental law and policy of the State pursuant to § 3-0301 of the Environmental Conservation Law (ECL). In particular, DEC is and has been responsible for the protection of air resources of the State pursuant to ECL Article 19 and the rules and regulations promulgated there under.
2. Respondent, Buckeye Albany Terminal LLC, owns and operates a refined petroleum bulk storage and truck loading terminal, with a facility located at 301 Normanskill Street, Albany ("facility").
3. Respondent operates pursuant to an Air Title V Permit ID No. 4-0101-00070/02003.
4. On March 3, 2018, Department staff inspected the site.

First Violation

5. Regulations at 6 NYCRR 201-7 provide that this facility, that operates a Vapor Combustion Unit ("VCU") at 98% destruction efficiency, shall be capped out of requirements at 40 CFR 63, Subpart R and 6 NYCRR 231-5 provisions.
6. On March 6, 2018 and March 7, 2018, Respondent failed to operate the VCU in a manner consistent with prior operation to achieve the required 98% destruction efficiency.

7. Respondent's failure to operate the VCU on March 6, 2018 and March 7, 2018 are violations of 6 NYCRR 201-7.

Second Violation

8. Permit Condition No. 82 and 40 CFR 63 11088, Subpart BBBBBB requires that a facility with an average throughput greater than 250,000 gallons per day shall achieve an emissions limit of, at a minimum, 80mg of Total Organic Carbon ("TOC") per liter of gasoline product loaded from the gasoline rack.

9. On March 6, 2018 and March 7, 2018, Respondent failed to achieve the minimum 80mg of TOC per liter of gasoline product loaded from the gasoline rack.

10. Respondent violated Permit Condition No. 82 and 40 CFR 63 11088, Subpart BBBBBB by failing to achieve the minimum of 80mg of TOC per liter of gasoline product loaded on March 6, 2018 and March 7, 2018.

Third Violation

11. Permit Condition No. 9 and regulations at 6 NYCRR 200.7 require the proper operation and maintenance of all emission control equipment.

12. On March 6, 2018 and March 7, 2018, Respondent failed to operate its VCU effectively.

13. Respondent violated Permit Condition No. 9 and regulations at 6 NYCRR 200.7 by failing to operate its VCU effectively on March 6, 2018 and March 7, 2018.

CIVIL PENALTY

14. Section 71-2103 generally provides for a civil penalty of not less than \$500 and not more than \$18,000 for each violation of Article 19 or any code, rule or regulation which was promulgated thereto.

WAIVER OF HEARING

15. Respondent hereby affirmatively waives its right to a hearing in the manner provided by law, consent to the issuance and entry of this Order and agree to be bound by the terms, provisions, and conditions contained herein.

NOW, being duly advised and having considered this matter, IT IS HEREBY ORDERED THAT:

I. With respect of the aforesaid violations, a civil penalty in the amount of FIFTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$15,750) 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. All communications to the Department except where otherwise specifically directed should be sent to:

New York State Department
of Environmental Conservation
Region 4 - Air Division Attn: RAPCE
1130 North Westcott Road
Schenectady, New York 12306
518-357-2350

V. 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.

VI. 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 as may be deemed necessary to determine the status of Respondent's compliance herewith.

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

VIII. Respondent shall indemnify and hold the Department, the State of New York, and its 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, servants, agents, successors or assigns.

IX. 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, servants, employees, successors and 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

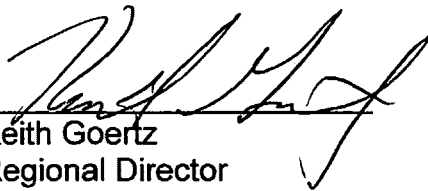
D. Respondent's right to assert all available defenses to any claims, actions, proceedings, suits, causes of actions or demands made or commenced by the State or the Department provided, however, that Respondent waives all legal or equitable rights claims, actions, proceedings, appeals, suits, causes 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.

X. Compliance with the terms and conditions of this Order shall be in full civil settlement of the violations in this Order.

DATED: *May 31*, 2018
Rotterdam, New York

Basil Seggos
Commissioner
New York State Department of
Environmental Conservation

BY:



Keith Goertz
Regional Director
Region 4

CONSENT BY RESPONDENT

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

Buckeye Albany Terminal LLC

SIGNED: [Signature]
TITLE: OPERATIONS MANAGER
DATE: 5/30/18

STATE OF New York)

COUNTY OF Albany) ss.:

On the 30th day of May in the year 2018 before me, the undersigned, a Notary Public in and for the State, personally appeared Steven M Tracey personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

[Signature]
Notary Public
Qualified in the County of: Greene
My Commission Expires: March 28th, 2020



Schedule of Compliance

1. As of the effective date of this Order, Respondent shall require that the VCU daily checklist, maintained at the terminal, be completed right after any maintenance is done to a vapor combustion unit along with a verification that all equipment has been restored to service per facility integrity list as part of the Job Safety Analysis ("JSA"). These requirements shall be added to update the Truck Rack Operations Manual at the facility.