

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 4
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CERTIFIED - RETURN RECEIPT REQUESTED
7017 1070 0001 0125 8909

August 30, 2018

James Forde, Esq.
Hill Rivkins LLP
45 Broadway, 15th Floor
New York, New York 10006

Re: Order on Consent
R4-2018-0618-145
Vane Line Bunkering, Inc.

Dear Mr. Forde:

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

This will also acknowledge receipt of \$2,500 the civil penalty pursuant to Paragraph I.

Sincerely,



Karen S. Lavery
Assistant Regional Attorney
Region 4

Enclosure

ec: M. Vencak, ECO
A. Fleck



Department of
Environmental
Conservation

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Violations of
Article 17 of the Environmental Conservation
Law ("ECL") and Title 6 of the Official Compilation
of Codes, Rules and Regulations of the
State of New York (6 NYCRR)

- by -

ORDER ON CONSENT
R4-2018-0618-145

Vane Line Bunkering, Inc.
2100 Frankhurst Avenue
Baltimore, Maryland 21226

Respondent

WHEREAS:

1. The New York State Department of Environmental Conservation ("Department") is and has been a Department of the State of New York charged with administration of the State Pollutant Discharge Elimination System ("SPDES"), pursuant to Article 17, Title 8 of the Environmental Conservation Law ("ECL") Parts 750-757, Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR").
2. Respondent, Vane Line Bunkering, Inc., owns and operates barges that service the Buckeye Terminal at the Port of Albany, New York.
3. On May 26, 2018 while the Respondent's barge, Barge Doubleskin 507 A, was docked at the Buckeye Terminal and the barge operator left the vent valve open which blew gas out the side of the barge onto the Hudson River causing a visible sheen of petroleum between the barge and dock. The sheen escaped into open water and Buckeye retained a clean-up contractor to boom the spill. Although the reported spill was for 25 gallons there may have been as much as 50 gallons based on the clean-up information.
4. Respondent's barge operator was issued a Simplified Information/Complaint by a New York State Environmental Conservation Officer. The discharge of petroleum caused a visible oil film to develop which is a violation of the oil narrative water quality standard at 6 NYCRR 703.2 of no "visible oil film". Respondent violated 6 NYCRR 703.2 by causing the visible oil film.

5. ECL § 71-1929(1) provides that: “A person who violates any of the provisions of, or who fails to perform any duty imposed by titles 1 through 11 inclusive and title 19 of article 17, or the rules, regulations, orders or determinations of the commissioner promulgated thereto or the terms of any permit issued there under, shall be liable to a penalty of not to exceed thirty-seven thousand five hundred dollars per day for each violation, and, in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided.”

6. Respondent has affirmatively waived its right to a hearing as provided by law and has consented to the issuing of this Order and has agreed to be bound by the provisions, terms and the conditions of this Order.

NOW THEREFORE, having considered this matter and having been duly advised, IT IS ORDERED THAT:

I. Civil Penalty

Respondent is hereby assessed a civil penalty in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) which is due to the Department with the return of the signed and notarized Order.

II. Settlement

Timely payment of the civil penalty called for is accepted as full settlement of the violations and conduct described above.

III. Indemnification

Respondent shall indemnify and hold DEC, New York State, and their representatives and employees harmless for all claims, suits, 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 directors, officers, employees, servants, agents, successors or assigns.

IV. Entire Agreement

This Order constitutes the entire agreement of the parties, and no provision of the agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Commissioner or Regional Director of DEC indicating intent to modify this Order.

V. Effective Date

The effective date of this Order shall be the date it is signed by the Regional Director.

DATED: August 29, 2018
Rotterdam, New York

Basil Seggos
Commissioner
New York State Department of
Environmental Conservation

BY:



Keith Goertz
Regional Director

CONSENT BY RESPONDENT

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

Vane Line Bunkering, Inc.

Authorized Representative: C. Duff Hughes

SIGNED: [Signature]

TITLE: Tres.

DATE: 8.23.18



COMMONWEALTH OF MARYLAND)

COUNTY OF Baltimore) SS:
)

On the 23RD day of August in the year 2018 before me, the undersigned, a Notary Public in and for the State, personally appeared Duff Hughes 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.

Judith P. Robbins
Notary Public
Qualified in the County of:
My Commission Expires: July 19, 2022