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STATE OF CONNECTICUT	)	Order No. 20364
	)	
VS.	)	
	)	
GLOBAL NEW HAVEN TERMINALS LLC	)	
	)	

CONSENT ORDER

A. With the agreement of Global New Haven Terminals LLC (Respondent), the Commissioner of Energy and Environmental Protection (Commissioner) finds the following:

1. Respondent owns and operates a bulk petroleum distribution terminal located at 500 Waterfront St, New Haven, Connecticut (Premises).

2. Respondent signed a contract to acquire Premises on or about January 13, 2023, and Respondent acquired Premises on or about April 9, 2024.

3. Premises is a "major stationary source" of "volatile organic compounds" (VOC) in a "severe nonattainment area for ozone," as defined at Regs., Conn. State Agencies §§ 22a-174-1(65)(A), 22a-174-1(122), and 22a-174-1(106), respectively.

4. Premises operates under Clean Air Act Title V permit no. 117-0257-TV, which was duly issued and most recently renewed by Commissioner on May 5, 2022, pursuant to Regs., Conn. State Agencies §§ 22a-174-2a and 22a-174-33.

5. Premises include a number of internal floating roof tanks used for the storage of volatile organic liquids as well as the associated loading and unloading equipment, emission control equipment, and ancillary equipment.

6. Among the internal floating roof tanks located at Premises is tank no. 123, of which "actual construction" had "begun" prior to Respondent's acquisition of Premises. Regs., Conn. State Agencies § 22a-174-1(17).

7. Tank no. 123 has a maximum design capacity of approximately 6.4 million gallons.

8. Respondent intends to use tank no. 123 for the storage of gasoline.

9. Respondent stipulates that the Commissioner has determined that "potential emissions" of tank no. 123, as defined at Regs., Conn. State Agencies § 22a-174-1(93), exceed 15 tons per year of VOC if tank no. 123 is to be used for the storage of gasoline.

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10. Respondent stipulates that the Commissioner has determined that a duly issued New Source Review permit was required before actual construction of tank no. 123 began. The Commissioner's determination is based on the potential emissions of such tank, as stipulated at paragraph A.9 of this order.

11. Before the Respondent owned the Premises, a prior owner or operator of the Premises removed three internal floating roof tanks without providing the notice required by 40 CFR 61.145(b).

12. By agreeing to the issuance of this Consent Order, Respondent makes no admission of fact or law with respect to the matters addressed herein.

B. With the agreement of Respondent, the Commissioner, acting under Conn. Gen. Stat. §§ 22a-6 and 22a-174, orders the Respondent as follows:

1. Respondent shall comply with all requirements of Regs. Conn. State Agencies §§ 22a-174-1, 22a-174-3a, 22a-174-4a, 22a-174-20, as well as Title V Permit No. 117-0257-TV, all applicable federal regulations and all other permits, general permit registrations, administrative consent orders or permits by rule issued by the Commissioner that are applicable to the Site and any fixtures upon the Site.

2. Respondent shall not violate the provisions of Conn. Gen. Stat. Chapter 446c governing air pollution control.

3. Respondent shall diligently pursue a New Source Review permit for tank no. 123 and shall fully and expeditiously satisfy all required elements of the application process in accordance with Conn. Gen. Stat. § 22a-174 and the regulations promulgated thereunder.

4. Respondent shall propose, as part of the New Source Review permit application referenced in paragraph B.3 of this Consent Order, the use of controls of at least 98 percent control efficiency, in terms of VOC, whenever the tank no. 123 is storing a volatile organic liquid with a vapor pressure of 0.75 pounds per square inch or greater under standard conditions and is being degassed as defined in 22a-174-20(a)(1)(C) as of the date of this stipulation. The Commissioner deems the use of such controls to constitute Best Available Control Technology pursuant to Regs., Conn. State Agencies § 22a-174-3a as of the date of this stipulation.

5. Until such time as the permit referenced in paragraph B.3 of this Consent Order is issued *or* the Respondent ceases to expeditiously and diligently pursue a New Source Review permit for tank no. 123 *or* five (5) years have elapsed since the issuance of this Consent Order, whichever occurs first, Respondent may use tank no. 123 for the storage of distillate oil, including diesel fuel, no.2 heating oil, kerosene, and biodiesel, prior to the issuance of a New Source Review permit. For the purposes of this Consent Order, "biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats that meets the most recent version of ASTM International designation D6751.

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6. Respondent acknowledges the requirement to conduct a thorough survey and submit a notification pursuant to 40 CFR 61.145(b) if any internal floating roof tank at the Premises is removed after the issuance of this Order.

7. Statewide Supplemental Environmental Project (SEP) Account Payment.

    a. On or before thirty (30) days after issuance of this consent order, the Respondent shall pay $10,000 by mail or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services--Accounts Receivable Office, 79 Elm Street, Hartford, CT 06106-5127. The payment shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection." The check shall state on its face, "Statewide SEP Account" and "Consent Order No. 20364."

    b. The Respondent shall not claim or represent any SEP payment made pursuant to this consent order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense. The Respondent shall not seek or obtain any other tax benefit, such as a tax credit, as a result of the payment under this paragraph.

    c. If the Respondent disseminates any publicity, including but not limited to any press releases regarding funding a SEP, the Respondent shall include a statement that such funding was made in settlement of an enforcement action brought by the Commissioner.

8. Full compliance. The Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.

9. Approvals. The Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.

10. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.

11. Dates. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the

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Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.

12. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by the Respondent or, if the Respondent is not an individual, by the Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in Regs., Conn. State Agencies § 22a-174-2a, and by the individual(s) responsible for actually preparing such document, and the Respondent or the Respondent's chief executive officer and each such individual shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under Section 53a-157b of the Connecticut General Statutes and any other applicable law."

13. Noncompliance. this consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject the Respondent to an injunction and penalties.

14. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under Conn. Gen. Stat. § 53a-157b and any other applicable law.

15. Notice of transfer; liability of Respondent. Until the Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. The Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.

16. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondents pursuant to this consent order have not successfully corrected

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all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require the Respondents to undertake further investigation or further action to prevent or abate violations or pollution.

17. Respondent's obligations under law. Nothing in this consent order shall relieve the Respondent of other obligations under applicable federal, state and local law.

18. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the Respondent pursuant to this consent order will result in compliance.

19. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.

20. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order. This order shall be considered to be in addition to, and shall not derogate from, any administrative or judicial resolution of the violations cited herein, or other violations at the Premises which predate the issuance of this order.

21. Notice to Commissioner of changes. Within 15 days of the date the Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, the Respondent shall submit the correct or omitted information to the Commissioner.

22. Notification of noncompliance. In the event that the Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, the respondent shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, the Respondent shall submit in writing the date, time and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.

23. Submission of documents. Any document required to be submitted to the Commissioner under this consent order, unless otherwise specified in this consent order or in writing by the Commissioner, shall be directed to:

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Jacob Felton
Department of Energy and Environmental Protection
Air Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3658

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Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind Respondent to the terms and conditions of the consent order.

Global New Haven Terminals LLC

Signature: Signed by: Sean T. Geary 5EE396B946354B9...

Type Name: Sean T. Geary

Type Title: Chief Legal Officer

Date: 11/14/2024

Issued as a final order of the Commissioner of Energy and Environmental Protection.

Signed by: Emma Cimino 2E6BEE9EF1D1492...

11/14/2024

Emma Cimino
Deputy Commissioner of Environmental Quality
Department of Energy and Environmental Protection

Date