



STATE OF CONNECTICUT

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ORDER NO. 2465

)

VS.

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GULF OIL LIMITED PARTNERSHIP

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CONSENT ORDER

- A. With the agreement of Gulf Oil Limited Partnership (“Respondent”), the Commissioner of Energy and Environmental Protection (“Commissioner”) finds the following:
1. The Respondent operates a bulk petroleum distribution terminal at 428-500 Waterfront Street in New Haven, Connecticut (“the facility”).
 2. The facility has potential emissions of Volatile Organic Compounds (“VOCs”) and Hazardous Air Pollutants (“HAPs”) that are in excess of one-hundred (100) tons per year. The facility therefore is a “Title V source”, as defined in Section 22a-174-33(a)(10) of the Regulations of Connecticut State Agencies (“RCSA”). The facility’s most recent Title V permit renewal was issued on 9/14/2016 (permit No. 117-0257-TV).
 3. At the facility, the Respondent operates a truck loading rack consisting of gasoline, distillate, and ethanol loading bays. VOC and HAP emissions from the loading rack are controlled with a John Zink Vapor Recovery Unit (“VRU”). The loading rack and the VRU operate under New Source Review (“NSR”) permit No. 117-0241.
 4. The loading rack has eight loading bays. Four of the bays can load gasoline: Bay #1, Bay #2, Bay #4, and Bay #6.
 5. In June of 2015 and October of 2015, Department staff conducted inspections at the facility. During these inspections a FLIR GF320 infrared camera was used in conjunction with a Toxic Vapor Analyzer (“TVA-1000”). Observations by Department Staff were recorded with the camera, saved, and labeled. Copies of the video files have been provided to the Respondent.
 6. During the June 2015 inspection, Department Staff observed loading operations at the facility’s truck loading rack. During the inspection, Department Staff witnessed, on

Bay #4, liquid gasoline dripping from an arm of the loading rack; the liquid was being collected in an orange five (5) gallon bucket. Respondent informed DEEP that the drips were the result of damaged truck equipment owned and operated by an outside carrier and that this truck was immediately asked to halt loading and was electronically locked out of the terminal.

7. During the June 2015 inspection, Department Staff used the FLIR GF320 and the TVA-1000 to observe the loading of gasoline into cargo tank trucks. On Bay #4 Department Staff observed a VOC leak from the vapor hose connecting the cargo truck to the vapor recovery collection system. Department Staff notified the Respondent of the leak, and in response, the Respondent attempted to repair the vapor hose. However, following the attempted repair, the VOC leak continued. Department Staff also observed VOC leaks from the vapor hose connecting a cargo truck to the vapor recovery collection system on Bay #2.
8. On October 26, 2015, Department Staff returned to the site, and again surveyed the loading rack area. During the inspection, Department Staff again observed liquid gasoline dripping from an arm of the loading rack on Bay #2. Respondent informed DEEP that repairs were made to the items observed on the 26th that same day and that DEEP's inspection staff verified that the repairs had been completed when they reviewed the site the next day on the 27th.
9. During the October 26, 2015 inspection, Department Staff again used the FLIR GF320 camera in conjunction with the TVA-1000. On Bay #2, Department Staff observed VOCs leaking from the vapor recovery hose to the vapor recovery collection system. Department Staff notified the Respondent of the leak, and in response the Respondent attempted to correct the leak by changing the vapor recovery hose on Bay #2. However, the VOC leak continued. The Respondent made additional attempts to stop the leak, by again changing the hose, and by changing the gaskets of the hose; however the VOC leak continued after these attempts.
10. During the October 26, 2015 inspection, Department Staff surveyed Bay #1 using the FLIR GF320 and TVA-1000. On Bay #1, Department Staff observed a constant stream of VOC emissions from the pipe of the vapor recovery collection system. The concentration of this VOC leak exceeded 10,000 parts per million and caused the TVA-1000 to flame out. While onsite, Department staff notified the Respondent of the VOC leak, and the Respondent made the determination that a check valve in the vapor recovery collection system was not functioning properly.
11. The Respondent states that each of the leaks that were observed during the June 2015 and October 2015 inspections were repaired within five (5) calendar days after the leak was detected, as allowed per 40 CFR 63.424(c).
12. The facility is subject to Title 40 of the Code of Federal Regulations ("CFR"), Part 63, Subpart R, entitled "National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)".

13. 40 CFR 63.428(e)(1) through (e)(7) of Subpart R sets forth the reporting and record-keeping requirements for equipment leaks at the facility's truck loading rack.
14. On September 8, 2016 and February 2, 2017, the Respondent submitted, at the request of the Department, their leak log records for calendar years 2014, 2015, and 2016. The Respondent conducts monthly leak inspections, in accordance with 40 CFR 63.424. However, a review of the records submitted demonstrate that the Respondent has failed to fully comply with the requirements of 40 CFR 63.428(e)(1) through (e)(7). Specifically, they did not record in the log book: the equipment type and identification number, the method of detection, the date of each attempted repair and the reason for delay if the leak is not repaired within 15 days; and the repair method applied in each attempt to repair the leak.
15. A review of the log book submitted also demonstrates that the Respondent failed to document each of the leaks that were observed by Field Staff during the June 2015 and October 2015 inspections; as described in paragraphs A.5. through A.10. of this Consent Order.
16. The facility is subject to Section 22a-174-20(b) of the RCSA, which pertains to the loading of gasoline and other VOCs.
17. Pursuant to Section 22a-174-20(aa)(4)(B) of the RCSA, sources subject to Section 22a-174-20(b)(4) of the RCSA are required to keep records of both scheduled and unscheduled maintenance of the facility's truck loading rack. A review of the records submitted demonstrate that the Respondent has failed to comply with Section 22a-174-20(aa) of the RCSA.
18. Section 22a-174-20(b)(16) of the RCSA, and Section III.B.2.a.v of permit No. 117-0257-TV requires the Respondent to develop a written operation and maintenance ("O&M") plan for any equipment used to load gasoline. Pursuant to Section 22a-174-20(b)(16), the Respondent is required to develop a formal training program which implements the O&M plan for any person who receives or delivers gasoline at the facility; maintain a copy of the O&M plan and training program materials at the facility; and maintain monthly records demonstrating implementation of the O&M plan, including records of persons completing the training program.
19. On 12/22/2016 Department staff requested that the Respondent submit their O&M and training plan for equipment used during loading operations. The documents that the Respondent submitted in response to this request were forms entitled *Driver Card Authorization* and *New Driver Training*. After a conference call with the Respondent on 12/14/2018, the Respondent submitted additional documentation on 01/15/19 including its Air Compliance & Record Keeping Manual that was implemented by the Respondent in January of 2018. The Respondent contends that the combination of the three referenced documents comprise its O&M plan. The Department disagrees with the Respondent's contention. Notwithstanding this dispute, the Commissioner

and the Respondent have agreed to settle this matter through the issuance of this Consent Order.

20. By virtue of the above, the Respondent is in violation of Section 22a-174-20(aa), Section 22a-174-20(b)(16), and 40 CFR 63.428.

B. With the agreement of the Respondent, the Commissioner, pursuant to Sections 22a-6, 22a-171, 22a-174, 22a-177, and 22a-178 of the Connecticut General Statutes, orders as follow:

1. Within ninety (90) days after the date of issuance of this Consent Order, the Respondent shall submit, for the Commissioner's review and written approval, a Comprehensive Operations & Maintenance Plan for its Truck Loading Rack. The plan shall include a detailed description of the processes and procedures the Respondent will implement to fully comply with Section 22a-174-20(aa), 22a-174-20(b)(16), 40 CFR 63.428(e). Such plan shall include appropriate inspection checklists and document retention/organizational system.
2. The Respondent shall implement the Comprehensive Operations & Maintenance Plan within thirty (30) days of its approval by the Commissioner.
3. 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.
4. Civil penalty. On or before thirty (30) days after issuance of this consent order, the Respondent shall pay a penalty of \$15,188 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.1 through A.20. of this Consent Order.
5. Payment of penalties. Payment of penalties under this consent order shall be mailed 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, and shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection". The check shall state on its face, "Air Engineering & Enforcement Division, civil penalty Consent Order No. 2465".
6. 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.

7. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
8. 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 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.
9. 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 Respondent or, if Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, 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 may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
10. 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 Respondent to an injunction and penalties.
11. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.

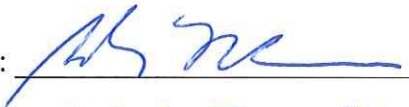
12. Notice of transfer; liability of Respondent. Until the Respondent has fully complied with this consent order, the Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the 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.
13. 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 Respondent pursuant to this consent order have not successfully corrected 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 Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
14. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
15. 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 Respondent pursuant to this consent order will result in compliance [or prevent or abate pollution].
16. 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.
17. 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.
18. Notice to Commissioner of changes. Within fifteen (15) days of the date 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.
19. 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 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 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.

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

Lakisha Stephenson, Environmental Analyst
Department of Energy and Environmental Protection
Bureau of Air Management
Engineering & Enforcement Division
79 Elm Street, 5th Floor
Hartford, Connecticut 06106-5127

The 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 the Respondent to the terms and conditions of the consent order.

GULF OIL LIMITED PARTNERSHIPSignature: Type Name: Belinda FoxworthyType Title: SecretaryDate: March 7, 2019

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


Katherine S. Dykes
Commissioner3/25/19
Date

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

CITY OF NEW HAVEN LANDRECORDS