

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

May 28, 2013

### CERTIFIED MAIL

Mr. Rich Raiders  
Buckeye Terminals LLC  
Five Tek Park  
999 Hamilton Boulevard  
Breinigsville, PA 18031

Re: Notice of Violation

Dear Mr. Raiders:

Enclosed, please find a "Notice of Violation" for Buckeye Terminals, LLC – Toledo Station (NORCO) (Ohio EPA Facility ID 0448010984). Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me at 419-936-3938.

Sincerely,

Matthew A. Stanfield  
Staff Professional Engineer

Enclosure

cc: Tim Murphy  
Karen Granata  
Joyce Anagnos  
John Paulian, Ohio EPA  
Brian Dickens, U.S. EPA Region 5

**NOTICE OF VIOLATION**

May 28, 2013

The City of Toledo Division of Environmental Services hereby serves notice that:

Buckeye Terminals, LLC., Toledo Station (NORCO)  
359 Sinclair Street  
Toledo, Ohio 43605

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Dates of Violation(s)

2/15/2013

Regulation(s) violated

ORC 3704.05(C) - No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions

Description of Source(s) and Violations(s)

Term A.7 of Federally Enforceable Permit to Install and Operate (FEPTIO) P0109435 issued June 19, 2012 requires a Permit Evaluation Report (PER) to be submitted by February 15 of each year. Buckeye Terminals, LLC - Toledo Station (NORCO) did not submit a PER for the period from June 19, 2012 through December 31, 2012 until March 20, 2013.

On April 19, 2013, TES notified Buckeye Terminals, LLC – Toledo Station (NORCO) that the PER submitted on March 20 was deficient in that it did not identify deviations Toledo Division of Environmental Services (TES) personnel noted during a compliance inspection of the facility on August 14, 2012. TES requested to review records required to be maintained by FEPTIO P0109435 during the August 14, 2012 inspection, but some of the records requested were not made available to TES personnel until August 16, 2012. Term A.3 of FEPTIO P0109435 allows for records to be maintained electronically, provided that they can be made available to Ohio EPA during an inspection at the facility.

TES has made a number of requests to representatives for the facility to submit a revised PER for calendar year 2012 to identify that records required to be maintained by FEPTIO P0109435 were not made available to TES personnel during an inspection of the facility on August 14, 2012. These records are identified in the letter dated August 14, 2012 from TES to Mr. Rich Raiders of Buckeye Terminals, LLC.

The above violation(s) may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty may be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

### Required Actions

Within 2 weeks of receipt of this Notice of Violation, you shall:

1. Abate the violation(s) or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
  - a. description(s) and date(s) of action(s) taken thus far to abate the violation(s).
  - b. description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
  - c. description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s). Your written response and any questions regarding this Notice of Violation should be directed to Matt Stanfield at the City of Toledo, Division of Environmental Services, 348 South Erie Street, Toledo, Ohio 43604.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.