



Albany Terminal Final Public Participation Plan

May 27, 2014

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I. INTRODUCTION & OBJECTIVES OF THE PUBLIC PARTICIPATION PLAN

Global Partners LP, on behalf of its subsidiary, Global Companies LLC (collectively, “Global”) prepared this Public Participation Plan (PPP) in recognition of community interest in its pending application to modify an existing air permit to allow for the installation and operation of boilers and heaters which would be used to heat a variety of petroleum products received at the Global Terminal in Albany.

In light of the community’s interest in the proposed air permit modification, Global voluntarily agreed to the New York State Department of Environmental Conservation’s (DEC) request to develop and implement an enhanced public participation plan. A draft PPP was initially submitted to the Department on February 26, 2014. The plan was subsequently revised based on comments and feedback shared with the company by City of Albany Common Council Member Dorcsey Applyrs. The revised plan was then re-submitted to the Department on March 10, 2014. The Department offered comments on the enhanced plan on April 28, 2014. The DEC called the revised plan “excellent” and offered to provide additional comments if received by the community. During implementation of the PPP, an Interim Report, which can be found in Appendix B, was submitted to the Department on April 29, 2014. The comments received from the DEC on April 28, 2014 have now been incorporated into this final submission. All community and DEC feedback provided on the plan can be found in Appendix C.

This PPP was voluntarily developed in conformance with the DEC’s Environmental Justice and Permitting Policy (Commissioner Policy-29) with the objective of informing and involving the local community in the permit review process. The PPP identified opportunities to involve the community in the permit modification review process. It was not developed to set forth in-depth technical and comprehensive details about Global’s Albany Terminal Major Oil Storage Facility (MOSF) operations. Rather, the PPP sought to identify methods for the public, including communities in Albany’s South End that make up the environmental justice areas in proximity of the Project area, to obtain general information about Global’s Albany operations and details about its permit modification application to the DEC. The DEC had earlier determined in

November 2013 that Global's proposed Project would not result in significant adverse impacts to the environment and that an environmental justice analysis was not needed. As such, although this PPP was developed to conform to the DEC's Environmental Justice and Permitting Policy. That policy does not provide for the DEC to approve the document or the materials developed during implementation of the PPP. This PPP does, however, respond to comments provided by the community and government officials about the effective communication methods that would enable interested community members to learn about the Albany Terminal and Global's modified permit application.

Objectives of this PPP include:

- Ensuring that outreach efforts include residents of the communities in Albany's South End that make up the environmental justice areas that have been identified in proximity of the Project area;
- Establishing a dialogue between the residents of the South End in proximity of the Project area and Global;
- Providing residents of the South End in proximity of the Project area with information about Global's Project; and,
- Creating opportunities for residents of the South End in proximity of the Project area to share their questions and concerns about Global's Project.

The public outreach activities to be implemented by Global supplement those activities already performed by Global or being performed by the DEC and local agencies involved in the current proposed permit modification, including, for example, public participation efforts of Albany County and its Department of Health and the City of Albany. A summary of some public participation activities performed by the DEC and local agencies relative to Global's proposed Project is included in Section IV.

Based on the above-stated objectives, and the advice and guidance provided by community leaders and elected officials, as well as the DEC, Global's program

includes the following specific tasks, which are described in more detail in Section V:

- A. Stakeholder Identification and Outreach
- B. Public Outreach
- C. Project Website
- D. Public Information and Educational Materials
- E. Agency Progress Reports
- F. Document Repositories

II. EXISTING PERMITTED OPERATIONS

Global operates a 63-acre Major Oil Storage Facility (MOSF) terminal in Albany that serves as an important hub for the receipt, storage and distribution of petroleum products to customers in the Capital District and throughout the Northeast. Global handles a wide variety of petroleum products from its Albany facility, including gasoline, diesel fuel, home heating oil, kerosene, crude oil and renewable fuels such as ethanol. The Albany Terminal provides a critical component to the energy infrastructure of the Northeast and Mid-Atlantic regions.

The U.S. Environmental Protection Agency and the DEC have conducted multiple inspections of the Albany Terminal. At last count, government agencies have conducted more than 36 program-related inspections at the terminal during 2014.

The federal Department of Transportation (DOT) and the Federal Railroad Administration have been taking measures related to the shipment by rail of crude oil. Global itself recently announced that it has implemented a program resulting in the phased elimination of older DOT-111 rail cars and replacing them with the use of DOT rail cars that meet the most recent CPC-1232 standard. The CPC-1232 rail cars have several design features that are intended to make the cars safer during storage and transit. While adoption of this design criterion is not required in the United States, Global has made an operational decision to adopt this design standard in the interest of safety. Global continues to support initiatives aimed at increased safety and emergency response activities with regard to the rail transport of crude oil.

Additional information may be obtained by:

- visiting the DEC's website at www.dec.ny.gov/enb/20131231_reg4.html;
- visiting Global's project website at www.globalalbany.com/;
- or by e-mailing Global at: albanyinfo@globalp.com.

III. THE CURRENT PERMIT MODIFICATION APPLICATION

On June 1, 2013, Global applied to the DEC to modify its existing Title V air permit to allow for the installation and operation of boilers and heaters that would be used to heat products received at its terminal. Global submitted a revised application to the DEC on November 8, 2013.

The proposed improvements to the Albany Terminal would facilitate the receipt, storage and distribution of a wider variety of currently permitted products, to include biodiesel and different grades of crude oil. Global's proposed Project does not expand the permitted storage capacity or total volume of petroleum products received at the facility and transported from the facility (commonly referred to as "throughput").

Specifically, the proposed Project seeks to:

- Reconfigure the existing Kenwood Yard rail facility to allow for the off-loading of heated petroleum products;
- Convert Tank 33, which is currently permitted to store distillate fuel, to storage of crude oil;
- Convert Tank 118, which is currently permitted to store gasoline, crude and ethanol, to storage of distillate fuel; and,
- Install four steam boilers and three heaters that will be used to heat petroleum products.

On November 21, 2013, the DEC determined that Global's application was complete and that the proposed Project would not result in significant adverse impacts to the environment. The DEC issued a Negative Declaration under the State Environmental Quality Review Act (SEQRA). After the issuance of the Negative Declaration, the DEC informed Global on March 24, 2014, that it was continuing to review Global's air permit modification application and requested additional information from Global about a myriad of issues relative to the Albany Terminal. Many of DEC's questions had little direct connection with

Global's request to modify its existing Title V air permit and, instead, involved collateral issues concerning the logistics and safety of rail transportation of crude oil. Nevertheless, Global submitted a comprehensive, 32-page response to DEC's request, providing extensive, detailed information on a variety of issues including Albany Terminal operations, emergency response planning, spill prevention and barge and rail transportation. Both the DEC's request for information, and Global's detailed response, were made available to the public and are included in Appendix D.

IV. DEC AND LOCAL GOVERNMENT PUBLIC ENGAGEMENT ACTIVITIES

In order to enable citizens to participate in decisions that affect them, the DEC establishes opportunities for citizen involvement to enhance the public's access to, and understanding of, issues and information related to a project and the regulatory process.

After preparing a draft permit for Global's proposed Project and determining it would not have a significant impact on the environment, the DEC published a notice in its Environmental Notice Bulletin on November 27, 2013, announcing the draft permit and establishing a 30-day public comment period through December 27, 2013.

On December 31, 2013, the DEC included a second notice about the proposed Project in its Environmental Notice Bulletin, extending the public comment period through January 31, 2014.

On January 29, 2014, the DEC extended the public comment period on the proposed Project for a second time. As a result, the public had until April 2, 2014, to provide comments and feedback on the proposed Project to the DEC. The DEC placed an updated notice in its Environmental Notice Bulletin and announced it would hold a public information session on the proposed Project on February 12, 2014, at the Giffen Memorial Elementary School in the City of Albany (see Section V.B for more information).

On March 26, 2014, the DEC extended the public comment period on Global's proposed Project a third time through June 2, 2014. This extension was announced in the March 26, 2014, issue of the DEC's Environmental Notice Bulletin.

Copies of all notices that appeared in the DEC's Environmental Notice Bulletin about the proposed Project are included in Appendix E.

Most recently, on May 21, 2014, the DEC once again extended the public comment period associated with the permit modification request for an additional 60 days until August 1, 2014. With this latest extension, the public

will now have more than eight months to provide feedback on an application to modify an existing air permit that the DEC has already determined would not result in significant adverse impacts to the environment. According to its press release announcing the extension (which can be found in Appendix E), the DEC attributed the latest extension to “broad public and community interest.” While the public and the DEC have been engaged in a spirited dialogue regarding collateral issues such as rail transportation of crude oil, Global has not received any public inquiries or feedback related to the proposed permit modification since March, nor has Global received requests from the community to hold additional public forums. Regardless, Global continues to work with the DEC to provide additional information about its proposed Project.

Since establishing the now eight-month public comment period, the DEC has reportedly received more than 7,000 public comments relative to the proposed Project, indicating the public’s overall awareness of the proposed Project and the ease by which the public could communicate their views to the Agency.

The DEC has retained contact information for interested stakeholders and developed a contact list.

At its public information session on February 12th, the DEC distributed a fact sheet about Global’s proposed Project. The fact sheet included information about Global’s current operations, the permit modification application, the application history and methods for the public to stay informed about the Project. A copy of the fact sheet is included in Appendix E of this document.

In addition to its February 12th information session, the DEC has continued to meet publicly and privately with members of environmental advocacy organizations, local elected officials and residents of the South End to discuss the proposed Project. For example, on March 5, 2014, DEC officials provided information about the proposed Project at a meeting of the Council of Albany Neighborhood Associations. At the meeting, the DEC provided answers to nearly 40 questions community leaders submitted for response, including issues related to Global’s facility operations, the proposed Project, emergency response protocols and preparedness, public involvement activities, environmental protection and public health issues. A copy of the DEC’s response to the community is included in Appendix E of this document.

Additionally, the DEC has a dedicated webpage specific to Global's proposed Project. The webpage includes documents related to the permit modification request, public meeting materials, regulatory information and frequently asked questions. The DEC's website can be accessed at <http://www.dec.ny.gov/public/974.html>.

In addition to DEC's activities, local, state and federal elected officials and representatives of local agencies have distributed information to the public about the proposed Project, discussed aspects of the project at regularly-scheduled City and County meetings, and sponsored several public forums where the public could obtain information about the Project.

For example, on at least two occasions, New York State Assembly Member Patricia Fahy issued information via electronic correspondence to her constituents regarding the proposed Project and upcoming public sessions.

Albany City Mayor Kathy Sheehan stated in a press release dated April 11, 2014, that she "took action" soon after taking office in January 2014 by asking the City's Planning Board to "undertake a full environmental review of the proposed project." According to the media announcement, Mayor Sheehan has "worked closely with state, federal and county officials, as well as with other Mayors from across the country to advocate for [City] residents who are impacted by increased rail activity."

The Albany Common Council has discussed various aspects of the proposed Project at several of its meetings held since January 6, 2014. Several residents offered feedback about the proposed Project during public comment periods, as reflected in meeting minutes developed by the Common Council's senior legislative aide. In addition, Common Council President Carolyn McLaughlin, Common Council Member Dorsey Applyrs and Common Council Member Vivian Kornegay have reportedly met with interested stakeholders and residents of the South End on several occasions to solicit feedback on the proposed Project and this PPP.

On May 9, 2014, a public meeting was held to discuss the permit modification application and operations at the MOSF terminal. At least one member of the Albany City Common Council attended the meeting as a panelist to answer questions about the permit modification application.

Most recently, on May 13, 2014, the DEC, officials from the Albany County Department of Health and the Albany County Sheriff's Office held a public meeting to discuss operations at the Albany Terminal with residents.

V. GLOBAL PUBLIC ENGAGEMENT ACTIVITIES

A. Stakeholder Identification & Outreach

DEC identified a number of elected officials and community leaders who are interested in Global's proposed Project. The DEC provided that list to Global, which can be found in Appendix F. Global has accommodated requests to expand the stakeholder list and mailing list associated with the site.

Individuals listed as stakeholders in the PPP received a mailer by Global on March 20, 2014, notifying them of the plan's availability and encouraging those with comments or feedback to contact Global. No comments or feedback have been provided to Global. A copy of the mailer is included in Appendix G.

The DEC and local elected officials have informed Global that they have continued to meet independently with numerous individuals and stakeholders interested in Global's proposed Project to solicit feedback on the draft PPP. Albany Common Council President Carolyn McLaughlin, Common Council Member Dorsey Applyrs and Common Council Member Vivan Kornegay provided feedback on the PPP that they acquired when meeting with community members. This guidance is contained in Appendix C of this document.

Global representatives have met, and will continue to meet, with private citizens and other stakeholders to share information about the permit application process and the proposed Project. These names are not provided in this document to protect the confidentiality of private citizens.

By request of the community, Global is including the following groups in outreach activities:

- Residents of the Ezra Prentice Homes, located at 625 South Pearl Street
- Residents of the Mount Hope neighborhood
- Residents of Steamboat Square
- City of Albany first responders
- Local faith leaders
- Local, State and Federal elected officials and agency representatives

- Leadership from local educational facilities, neighborhood associations and nonprofit organizations
- Individuals identified in Appendix F of this document.

B. Public Outreach

Public outreach can help to establish a clear understanding of the proposed Project for interested parties, including community leaders; federal, state and local officials; community organizations; and residents. Global's permit modification request, as noted in Section III above, is of rather limited scope and has been fully described in newspapers, web sites and at public meetings.

In collaboration with the DEC, Global participated at the DEC's public information session on February 12, 2014. The meeting, which was well publicized in media reports, provided information about the Global facility and the proposed Project. The meeting included presentations by both the DEC and Global, as well as an opportunity for the public to provide input and feedback. Public comments from more than 60 individuals were received on the proposed Project. In addition, DEC and other regulatory, emergency response and government personnel were in attendance and available for questions about the Project.

Global held two community meetings on March 24 and 25, 2014. Invitations to these sessions were mailed by Global to South End residents and are included in Appendix F. Several residents attended, as did representatives from the County Executive's office, the Albany County Health Department, the City Common Council, Canadian Pacific and environmental advocacy organizations. Information was provided about Global's current operations, its proposed Project, and emergency response planning.

Should additional community forums be scheduled, meetings will be held in a town hall-style format, co-facilitated by a panel of community members. A Spanish language interpreter will be provided as needed. The meetings will provide ample time for questions and answers. These meetings will be scheduled Monday through Thursday in the mornings and evenings. The community has requested that meetings not be held Friday through Sunday. Notice of meeting locations, dates and times will be provided in flyer form, by request of the

community, in a direct mail piece mailed to residents' homes. Additionally, for the convenience of the community, all meeting locations will be accessible for individuals with disabilities. The community suggested that meetings be held in one or more of the following locations:

- Ezra Prentice Community Center
- Local church
- Local schools
- Albany Housing Authority at 200 South Pearl Street

It should be noted that, despite Global's repeated attempts to hold its community meetings at the locations requested by the community, significant obstacles prevented the use of these facilities for the Global-sponsored events. In the event that future meetings are scheduled to discuss the permit modification, Global would continue to seek the assistance of local elected officials with the goal of utilizing those facilities identified by the community as the most convenient for residents of the South End. However, given the broad distribution of information about the permit modification application and the multiple meetings held for the community, no future public meetings are anticipated.

C. Project Website

Global has designed a project website, www.globalalbany.com, which serves as a source of information about the proposed Project. This website, which was posted live on March 14, 2014, includes:

- A company overview
- Documents pertinent to the permit modification application
- Regulatory information
- Information about Global's emergency response preparedness
- This public participation plan and opportunities for the public to provide feedback
- A list of meeting dates, times, and locations
- Answers to commonly asked questions
- Helpful links, including contact information for Global and the DEC.

D. Public Information and Educational Materials

Successful public outreach requires a variety of support materials to assist the public in learning about Global, the proposed Project, and the regulatory process. Materials that may be developed to support public outreach activities include, but may not be limited to:

- Project fact sheets
- Maps/photos of the Project
- Brochures describing Project-related activities

By request of the community, all public information and educational materials are written in plain text, formatted with bullet points and subheadings, using language that can be easily read and understood.

E. Agency Progress Reports

Global submitted a report to the DEC on April 29, 2014, detailing its progress in implementing the activities described in this PPP. This report appears in Appendix B.

Global will provide written certification that it has complied with the Plan and submit a report detailing activity that occurred subsequent to the final submission of this Plan. This final report will include copies of any additional fact sheets and other publicly-available materials developed by Global in support of its proposed permit modification that are not included within the appendices of this document.

F. Document Repositories

The DEC has established repositories for documents pertaining to the proposed Project at the following locations:

1. Albany Public Library

John A. Howe Branch
105 Schuyler Street (intersection of Schuyler & Broad Streets)
Albany, NY 12202
(518) 472-9485
www.albanypubliclibrary.org/locations/howe/

Hours:

Monday & Wednesday:	12 pm to 8 pm
Tuesday:	10 am to 6 pm
Thursday & Friday:	12 pm to 6 pm
Saturday:	1 pm to 5 pm

2. NYS Department of Environmental Conservation

Headquarters Building
625 Broadway
Albany, New York 12233-0001
www.dec.ny.gov/index.html

For the convenience of the community, documents pertaining to this proposed Project will also be available at:

1. The Albany Housing Authority

200 South Pearl Street
Albany, NY 12202
(518) 445-0744
www.albanyhousing.org



APPENDIX A

MAP OF ALBANY TERMINAL





APPENDIX B

PROGRESS REPORT ON IMPLEMENTATION OF THE PUBLIC PARTICIPATION PLAN



GLOBAL PARTNERS LP 800 South Street P.O. Box 9161 Waltham, MA 02454-9161 ph: 781-894-8800 fx: 781-398-4165

April 28, 2014

Mr. Jeff Gregg
Office of Environmental Justice
NYSDEC
625 Broadway
Albany, NY 12233-1500

**RE: DEC Permit Application #4-0101-00112/00029
Global Companies LLC – Albany, NY Terminal
Air Title V Facility
City of Albany, Albany County**

Dear Mr. Gregg:

As you know, Global Partners LP, on behalf of its subsidiary, Global Companies LLC, is seeking approval from the New York State Department of Environmental Conservation (NYSDEC) to modify an existing air permit to install and operate four steam-generating boilers and three heaters at its facility in Albany.

To support its application, the NYS Department of Environmental Conservation, after the issuance of a SEQRA negative declaration determination, requested that Global develop a Public Participation Plan (PPP) aimed at enhancing communications with neighbors in the vicinity of Global's Albany facility. Global voluntarily agreed to develop such a plan and submitted the plan to the Agency on February 26, 2014. The plan was subsequently revised, based on feedback received by the community, and re-submitted to NYSDEC on March 10, 2014. NYSDEC called the revised plan "excellent" and offered to provide feedback on the plan as it was received by the community. To date, although Global has not received any feedback by NYSDEC officials on the plan, the public participation activities were robust and reasonably attended by involved community leaders.

A. NYSDEC Public Engagement Activities

As described in the PPP, NYSDEC has established multiple opportunities for the public to obtain information and register questions and concerns related to Global's proposed Project.

Since issuance of the revised PPP on February 26, 2014, NYSDEC has taken the extraordinary step of extending — for a third time — the public comment period associated with the proposed Project. The public now has until June 2, 2014 — more than

six months after NYSDEC determined Global's application materials were complete — to communicate comments and feedback to NYSDEC on the proposed Project.

A notice extending the public comment period appeared in the March 26, 2014, Environmental Notice Bulletin.

NYSDEC officials also continue to meet, both publicly and privately, with members of environmental advocacy organizations such as EarthJustice Inc. and Riverkeeper, local elected officials and residents of the South End. In fact, NYSDEC has sent extensive inquiries by letter to Global, based on its meetings with EarthJustice Inc., and others, requesting additional information about Global's Albany Terminal. This information will be made available to the public.

On March 5, 2014, NYSDEC officials provided information about the proposed Project at a meeting of the Council of Albany Neighborhood Associations. Global representatives, who were planning to attend the meeting, were asked by NYSDEC to not participate.

At the meeting, NYSDEC officials provided answers to nearly 40 questions community leaders submitted for response. Topics related to Global's facility operations, the proposed Project, emergency response protocols and preparedness, public involvement activities, environmental protection and public health issues.

NYSDEC has continued to update its website dedicated to the project (<http://www.dec.ny.gov/permits/95623.html>). Most recently, NYSDEC has posted its responses to community questions (dated March 6, 2014 and referenced above), letters provided to the City of Albany by Global, and a letter it sent to Global requesting additional information, dated March 24, 2014.

B. Stakeholder Identification & Outreach

The PPP includes a list, provided by NYSDEC, of interested parties and stakeholders for the proposed Project. The list includes elected officials, community leaders, and environmental advocacy representatives.

Since developing the PPP, Global sought to supplement this list with residents living near the Global facility. Despite repeated requests to the City of Albany Housing Authority and local elected officials, mailing addresses for residents in the Ezra Prentice and Mount Hope could not be obtained. Global subsequently researched Albany County real property tax records, and a neighbor list was created.

Global has since accommodated requests made by local elected officials to expand the stakeholder list in the PPP and mailing list.

Several local elected officials were consulted during the development of the PPP. Feedback provided by local elected officials on March 5, 2014, was incorporated into the revised PPP, which was submitted to NYSDEC on March 10, 2014. Updates made to the PPP at the suggestion of the community include additions to the list of stakeholders, recommendations for meeting locations and dates, requests for a Spanish language interpreter, and locations for document repositories, among others.

Individuals listed as stakeholders in the PPP received a notice in the mail by Global notifying them of the plan's availability and encouraging those with comments or feedback to contact Global. No comments by stakeholders were received.

Since its issuance, several attempts were made by Global to meet with local elected officials, in advance of the scheduling of community meetings, to receive further comments and feedback on the updated PPP. Local officials did not respond to Global's outreaches, so no meetings were scheduled.

It should be noted that a letter submitted by EarthJustice, Inc., in February 2014, said the organization would "urge our constituents and the affected community to boycott" any public meetings to discuss the proposed Project until NYSDEC "provides written notification that it is suspending its review of Global's application." The degree to which EarthJustice's efforts thwarted the participation of the public and/or elected officials at community meetings cannot be assessed by Global.

Finally, tours of the terminal have been provided to local emergency responders, the Albany County Health Department, and others. In addition, officials from multiple NYSDEC offices and other regulatory agencies have toured the facility continuously and have performed scheduled and unplanned inspections at the site.

C. Public Outreach

Prior to development of the PPP, Global participated at a public information meeting with NYSDEC at Giffen Memorial Elementary School on February 12, 2014.

Global attempted to work with local elected officials to schedule additional community meetings at the Ezra Prentice Community Room, a location recommended by local elected officials for such meetings. Representatives at the City of Albany Housing Authority, which manages access to the location, informed Global the room could be used, as long as local elected officials gave their approval. Despite multiple attempts by Global to obtain this approval, none was provided.

Global subsequently made arrangements to hold two community meetings — one in the evening and the other in the morning, as requested by the community — at a nearby hotel and branch of the Albany Public Library. As requested by the community, arrangements were made for a Spanish language interpreter at each meeting.

An invitation to the meetings was mailed by Global to residents of the Ezra Prentice and Mount Hope neighborhoods, as well as to local elected officials.

Days before the scheduled public meetings, representatives from the Albany Public Library informed Global that its facility could not be used for its meeting. Library officials informed Global of their concern that the meeting could become unruly and could be attended by the media. Global made alternate arrangements to relocate the meeting at a local hotel, sent an updated invitation to local residents and elected officials, and arranged for transportation from the Albany Public Library to the public hotel, if needed.

Despite these challenges, two community meetings were held on March 24 and 25, 2014. Several residents attended, as did representatives from the County Executive's office, the Albany County Health Department, the City Council, Canadian Pacific, and environmental advocacy organizations. At the request of the community, the media were not invited but attended one of the sessions.

Tom Keefe, Global's director of EHS operations, provided information regarding the company's current operations, its proposed project and emergency response planning. Specific information provided is summarized at the end of this progress report.

D. Project Website

Global developed a project website, www.globalalbany.com, to serve as a source of information about the proposed Project to the public. The website includes a company overview, documents pertinent to its application before New York State, a description of the proposed Project, the PPP, answers to commonly asked questions, and information regarding emergency preparedness.

E. Public Information and Educational Materials

Global mailed an informational fact sheet about its proposed Project to approximately 400 residents near Global's facility, as well as local elected officials. The fact sheet summarized details about the proposed Project and provided information about Global's emergency preparedness.

F. Agency Progress Reports

Global committed to submitting periodic progress reports to NYSDEC detailing its efforts to implement the PPP and questions raised by the public. This is the first such report.

G. Document Repositories

Global has provided a copy of its PPP to the John A. Howe Branch of the Albany Public Library. The branch, identified as a repository for documents related to Global's Project, is located at 105 Schuyler Street in Albany.

In addition, at the request of the community, Global established a second document repository at the Albany Housing Authority, 200 South Pearl Street in Albany.

The following information has been provided to the public during its outreach efforts:

- Global's Albany operations comply with state and federal environmental regulations.
- At the Albany terminal, Global is already permitted by New York State to handle a wide variety of petroleum products, including gasoline, diesel fuel, home heating oil, kerosene, crude oil and renewable fuels like ethanol. The proposed heating project seeks to include the handling of biodiesel at the facility.
- The project does not increase the volume of products permitted and/or received by rail at the terminal.
- The heating equipment Global is seeking to install and operate at the Albany Terminal will *indirectly* heat — through the use of steam or thermal oil — petroleum products to approximately 120 degrees, the same temperature at which most residential hot water tanks are set. Petroleum products will not be heated directly and will not be heated to their boiling point.
- This heating technology is used in other facilities in Albany and in other parts of the country. The process is common in the industry. In fact, similar systems are already in operation by other companies in Albany to heat asphalt, No. 6 fuel oil and other products.
- Global evaluated potential environmental impacts that might result from the proposed Project and submitted the evaluation to New York State. The state reviewed the information and determined the project would not result in significant adverse impacts to the environment.
- Global works with federal, state and local agencies to develop detailed preventive safety measures and comprehensive emergency response protocols for events that may occur on our property. Global is required to plan for releases to land and water and to have a fully developed Facility Response Plan and Emergency Response Action Plan. These plans are submitted and approved by the U.S. Environmental Protection Agency and the U.S. Coast Guard.

- Safety systems are in place with regard to products transported by rail to Kenwood Yard. Canadian Pacific has worked with local emergency response organizations to improve safety protocols.

In closing, it should be noted that, in addition to the public outreach and public participation opportunities described above, NYSDEC continues to submit questions regarding Global's terminal operations to the technical and environmental consultants retained by and at Global. As has occurred in the past, Global continues to respond to NYSDEC's inquiries and requests for information, all of which is subject to the provisions of the Freedom of Information Act.

Global has fully cooperated with NYSDEC and has honored its voluntary commitment to implement the above enhanced public participation program.

Sincerely,



Edward J. Faneuil
Executive Vice President &
General Counsel



APPENDIX C

INPUT RECEIVED ON PUBLIC PARTICIPATION PLAN

New York State Department of Environmental Conservation
Office of Environmental Justice, 14th Floor

625 Broadway, Albany, New York 12233-1500

Phone: (518) 402-8556 • **Fax:** (518) 402-9018

Website: www.dec.ny.gov

April 28, 2014

Joan Gerhardt
Vice President
Behan Communications, Inc.
86 Glen Street
Glens Falls, NY 12801

Dear Ms. Gerhardt:

The Department of Environmental Conservation (DEC), in collaboration with some primary stakeholders from Albany's South End, submits the following and enclosed comments and editing suggestions (attached electronically) on the draft Public Participation Plan Global submitted on March 10, 2014 for its Albany Terminal facility:

- II. Existing Permitted Operations (p.5) – this section of the plan is vague and needs to provide more information on Global's history (including permit history) and on those aspects of Global's operations of concern to the affected community. For example, the Plan contains no information (i) describing the different types of operations currently conducted at the Albany Terminal involving rail cars, storage tanks, and barges; (ii) identifying the sources and types of pollutants emitted from Global's current operations; (iii) identifying the number of trains moving into and out of the Albany Terminal on a daily, weekly, and monthly basis; and (iv) describing the public safety risks associated with its operations.
- III. The Current Permit Application (p.6) – this section needs to better reflect the events leading up to the current outreach effort, including the position taken in DEC's March 24, 2014 letter to Global. Once the DEC approves this plan it can state such here.
- IV. B. Stakeholder Identification & Outreach (p.8) – this section needs to better reflect the actual number "of elected officials and community leaders" from Appendix B that were consulted as part of this plan. Whether it is "several" or "a handful" it can also reflect that such consultation was done upon advisement from DEC. Also, the "Residents of Steamboat Square" should be added to the list of groups included in outreach activities.
- IV. D. Project Website – if the website hasn't been established by the time of the final Plan it should indicate the date by which it will be established.

Appendix C – this should include the guidance the community referenced in the message sent to Global.

If you have any questions about what is submitted here, please don't hesitate contacting me. With your next submittal of the plan it may be helpful to schedule a meeting with DEC and the primary stakeholders to iron out any last kinks it may have.

Respectfully,

Jeffrey Gregg

cc: Carolyn McLaughlin
Lucille McKnight
Vivian Kornegay
Dorcey Applyers
Marc Gerstman
Melvin Norris
Gene Kelly
Bill Clarke
Karen Gaidasz
Rick Georgeson
Lawerence Schillinger

Date: Wed, 5 Mar 2014 15:10:58 -0500
Subject: Global Companies LLC Public Participation Plan Community
Guidance From: dorceyapplyrs@gmail.com To: lschillinger@msn.com
CC: onlybelv@aol.com; vdk1960@gmail.com;
jagregg@gw.dec.state.ny.us

Dear Lawrence,

In light of Global Companies LLC development of a public participation plan, a community meeting was held to proactively solicit input about how best to engage the community in the process. The community guidance provided during the meeting has been attached for your review. It is our hope that the community's input will be honored and reflected in the revised public participation plan. We are confident, that by doing so, Global Companies LLC will send a clear message to the community that moving forward, community engagement will be intentional and meaningful. Should you have questions regarding the attached guidance document, please contact Dorsey Applyrs, Common Council Member-First Ward by email: dorceyapplyrs@gmail.com

The questions below have been raised regarding the public participation plan and process. Your responses to these questions are greatly appreciated.

- What is Global Companies LLC process for finalizing the public participation plan?
- When will Global Companies LLC disseminate the public participation plan to the community?
- Who is the contact person at Global Companies LLC for questions pertaining to the public participation plan?

Thank you,

Carolyn McLaughlin, Common Council President
Dorsey Applyrs, Common Council Member - First Ward
Vivian Kornegay, Common Council Member - Second Ward

**Global Companies LLC Public Participation Plan
Community Guidance
February 25, 2014**

1. Who are the primary stakeholders that should be contacted by Global Companies regarding the public participation plan?

- Ezra Prentice Residents
- Mount Hope Residents
- All Residents in the Capital District
- First Responders
- Faith Leaders
- Elected Officials
- Center for the Disabled (staff and clients)
- Capital City Rescue Mission (staff)
- Salvation Army-20 South Ferry Street (staff)
- Local Universities (faculty and students)
- Giffen Memorial Elementary School (students, parents and administrators)
- Neighborhood Associations (presidents & members)

2. Where should written information about the plan be posted/disseminated?

- New York Motor Vehicle Department-224 South Pearl Street
- WIC Program-220 Green Street
- Albany County Health Department
- Senior Services Inc.
- Meals on Wheels
- Schools (including universities) throughout the Capital District
- Albany City Libraries
- Albany City Website
- Neighborhood Association Meetings

3. How should information regarding community meetings be disseminated?

- Flyers
- Mailings
- Channel 9 news
- Radio
- Nixle, a community Information Service dedicated to helping residents stay connected to information. The Nixle icon can be found on the City of Albany website
- Public Access TV
- Phone (robo calling)

4. Where should community meetings be held?

- Schools
- Albany Housing Authority-200 South Pearl Street
- Local Churches
- Libraries
- Ezra Prentice Play Ground and Basketball Court (during warmer months)
- Ezra Prentice Community Center
- River Room

5. Which days of the week and time should public meetings be held?

- Any day of the week with the exception of, Friday, Saturday and Sunday
- Please note, meetings should be held in the mornings and evenings

6. What services should be made available for community meetings?

- Dinner
- Transportation
- Childcare
- Handouts
- Video Tape/Record Meetings
- Handicap Accessibility
- Sign Language Interpreters
- Spanish Speaking Facilitators

7. How should community meetings be formatted?

- Small and Large Groups
- Incorporate a Question and Answer Period
- No more PowerPoint Presentations
- Community Members Should Co-facilitate Meetings
- Town Hall Format
- An advisory group made-up of community residents should be formed to determine the format for meetings

8. How should progress reports be formatted?

- Plain Text
- Some pictures but not excessive
- Bullet Points
- Subheadings
- Utilizing Americans with Disability Act guidelines
- 6th Grade Reading-level

9. How should progress reports be disseminated?

- Senior Services Inc.
- Schools (including universities) throughout the Capital District
- Albany City Libraries
- Albany City Website
- Neighborhood Association Meetings



APPENDIX D

DEC REQUEST FOR ADDITIONAL INFORMATION FROM GLOBAL AND GLOBAL'S RESPONSE

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2069 • Fax: (518) 357-2460

Website: www.dec.ny.gov



Joe Martens
Commissioner

March 24, 2014

Mr. Tom Keefe
Director of EHS Operations
Global Companies, LLC
800 South Street, Suite 200
P.O. Box 9161
Waltham, MA 02454-9161

Re: MOSF #4-1200 – Global Facility
Port of Albany

Dear Mr. Keefe:

The Department of Environmental Conservation (Department) is continuing a comprehensive review of the Title V air permit modification requested by Global Companies, LLC (Global) for its Port of Albany facility (the Facility) and related issues. The review encompasses an evaluation of whether the Department took the requisite hard look under the State Environmental Quality Review Act (SEQRA) when it issued a negative declaration of significance in November 2013. As you know, the Department's review will also be informed by any substantive comments received during the enhanced public participation process which Global agreed to implement under Commissioner's Policy 29 addressing potential impacts to environmental justice areas. By virtue of the comprehensive review of the application and negative declaration, including soliciting community input consistent with CP 29, the Department will achieve the same level of public input as would have been achieved had the Department implemented CP 29 before issuing the negative declaration of significance. The Department considers the negative declaration to be an interim review subject to a final future determination of significance under SEQRA.

The public comment period on the pending application for a modification is scheduled to close on April 2, 2014. In order to ensure the public has an adequate opportunity to assist the Department in its review, the comment period will be extended 60 days, to June 2, 2014.

The Department's review will comprehensively evaluate whether Global and others have taken measures to minimize any impact to the environment by implementing measures to prevent and respond to a potential release of crude oil. The characteristics of the crude oil subject to Global's application raise potentially unique issues associated with its transfer, storage, and spill and release prevention and response due to its viscosity and the additional measures needed to facilitate transfer of the crude from tank cars to storage tanks. The Department poses the

questions below based on its ongoing technical review as well as from comments received to date by the community, environmental groups and the City and County of Albany.

The State of New York will act aggressively to ensure that the people of the State and our natural resources are not impacted by the substantial increase in the volume of oil shipped through New York State. As you are aware, pursuant to Governor Cuomo's Executive Order 125 the State is conducting a top to bottom assessment of spill prevention and response capacity across the state.

In connection with the Department's review of Global's permit application and the determination of significance, the Department requests Global to address the following:

Transport to and from the Facility

As part of the Department's ongoing review of the extent of its jurisdiction, please provide answers to the following questions regarding the role of Global vis-à-vis the railroads and other major participants in the transportation of crude oil to and through the Port of Albany:

1. Who solicits the producer of the oil, and where does the solicitation occur?
2. Who signs the rail carrier agreements for oil shipments to the terminal?
3. What entities own, lease, operate or control the operation of the tank cars used to transport crude to the Global facility?
4. Who designates the route of the rail cars?
5. How, when and where is the size of the trains arriving at the terminal determined?
6. What contractual rights, if any, does Global have concerning the timing of or frequency of deliveries and concerning the type of rail cars or size of trains?
7. Does Canadian Pacific (or any other railroad) own or control any portion of the Global facility or hold a significant interest in Global?
8. Does Global have any contracts with Canadian Pacific which require Global to accept material at the facility?
9. Who signs the agreements for oil shipments out of the terminals using barges?
How, when and where is the size of the barges serving the terminal determined?

Unloading in Kenwood Yard, Prevention at the Facility, and Response

The Department and the community around the facility have raised issues regarding the potential impacts of unloading and processing bitumen oil, such as tar sands crude oil, and about operations at the Kenwood Yard, including emissions of pollutants, and the potential for spills, fires and explosions.

10. Please identify whether Global, the rail carrier, the producer of the crude oil, or any other entity has any process to sample and analyze the contents of oil tank cars? Does any party provide Global with information about any chemical constituents added to the oil in a tank car to reduce its viscosity?
11. What information will Global share with the community and any City, County or State agencies regarding the types and volume of materials transported to the Global facility?
12. What actions does Global plan to implement to address any unique qualities associated with bitumen crude oil with respect to fires, explosivity, spill prevention and response and describe how these potential impacts to the community can be successfully avoided? Please include a comparable analysis for the other types of hazardous materials received and stored at the Global facility for these impacts.
13. In the Kenwood Yard drainage runs to a series of retention ponds. Do all parts of the unloading area drain into the catchment basins leading to the ponds? Specify the drainage path in the yard and the capacity of the retention ponds to handle any spill from this area. What additional best practices or other steps does Global consider potentially available to enhance its capacity to effectively avoid these impacts?
14. What type of oversight and control will be put in place to determine if an oil spill has occurred during the loading and offloading of transport cars? Does Global have any type of warning device which will alert workers and residents that a spill, fire or explosion is may be imminent?
15. What types of studies have been done regarding the potential for a spill, fire or explosion during the processing and transport, including the loading and offloading, of heated crude oil? Please provide any studies or reports regarding such studies.
16. Does Global have an emergency evacuation plan or emergency preparedness plan in the event of a large-scale disaster? How will Global communicate and coordinate with first responders and the people of the City of Albany in the event of an explosion or other type of incident?
17. The community is understandably concerned that tank cars are located in close proximity to the Ezra Prentice Homes. What evaluation has Global undertaken of the options for relocating rail car staging and unloading operations away from residential areas including the Ezra Prentice Homes?
18. In view of Global's recent decision to reconfigure the placement of the proposed boilers for heating crude oil, please provide a new drawing and description of the revised configuration.
19. Members of the public have expressed concern about emissions of volatile organic compounds and other pollutants that result from Global's current or proposed operations, including the proposed process of heating oil in the tank cars. In order to address that concern, please describe the process of heating oil in the tank cars. Specifically identify when, in the process, the valves are opened to drain the oil and the vents are opened on the top of each car to allow external air to flow into the tank

car as the oil is drained. What safeguards exist to prevent overheating or the heating of oil that does not require heating? In addition, identify all procedures and tools that Global utilizes, or plans to utilize, to detect and repair leaks of air pollutants or other fugitive emissions from any aspect of its operations, regardless of whether those efforts are required by any applicable State or federal regulations.

20. Please describe the potential fire risks associated with handling and storing bitumen crude oil and describe how Global would address a fire in the Kenwood Yard if one broke out in the railcar off-loading area? What specific fire suppression equipment is on hand at the facility and what are the additional resources, if any, that should be available to responders. In describing Global's response capacity, please include a description and assessment of the capacity of local first responders to engage in effective and immediate specific fire suppression efforts including a description of existing equipment and its location and ownership.
21. Please describe the nature and frequency of drills in which fire suppression capabilities are practiced and tested, including both Global's on-site capabilities and coordination with local fire departments.
22. Please describe secondary containment for all aspects of the facility including those ancillary to the main portion of the facility. Please include an assessment of secondary containment for the several piping runs that exist outside the secondary containment areas at your facility. What is Global's assessment of the feasibility of adding containment or automatic leak detection to these areas?

Loading at the Facility and Water Transport

Due to the nature of the material proposed to be handled at the Global facility and challenges that spill responders would face in the event of a release, the Department requests supplemental information regarding the potential impacts of loading operations for bitumen and Bakken crude oil at the facility's dock, including oil spills into the Hudson River.

23. Please describe the nature of the crude oil that would be handled at the facility if the permit modification were issued and specify the volumes and types of crude oil that would be handled. Please include an assessment of whether any changes/modifications would be required in your emergency response plans to address a potential release, especially one to the Hudson River?
24. What are the best practices for containment while product is being pumped on to barges (e.g., booms)? Will Global be implementing them?
25. Who designates the route of the barges?

Financial Assurance and Liability Insurance

26. Who has liability for damages during transport of the oil, and does Global maintain any insurance covering oil while it is in transit in rail cars?
27. Please describe the scope and extent of any liability insurance that Global maintains for environmental harm?

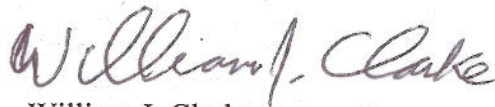
28. Is any other financial assurance mechanism in place covering damages from oil spills for which Global may be responsible?
29. What additional financial assurance mechanism does Global consider potentially available to enable it to cover damages from oil spills?

Please also provide copies of: (i) any and all existing contracts between Global and Canadian Pacific concerning the delivery of oil to the facility; (ii) insurance policies providing coverage for the facility, and (iii) any and all contracts between Global and barge operators concerning shipments from the facility.

As indicated above, the information requested in this letter will inform the Department's review of Global's permit application and negative declaration of significance. The Department's evaluation cannot be completed until the Department receives the requested information.

Thank you in advance for working with the Department on these issues.

Sincerely,

A handwritten signature in dark ink, appearing to read "William J. Clarke". The signature is fluid and cursive, with the first name "William" and last name "Clarke" clearly distinguishable.

William J. Clarke
Regional Permit Administrator
Region 4

Young / Sommer LLC

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May 15, 2014

Mr. William Clarke
Regional Permit Administrator
NYS Department of Environmental Conservation
1130 North Westcott Road
Schenectady, NY 12306-2014

RE: Global Companies LLC

Dear Mr. Clarke:

Global Companies LLC ("Global") is in receipt of your March 24, 2014 correspondence in which the Department of Environmental Conservation ("Department") indicated that it was continuing its review of the State Environmental Quality Review Act ("SEQRA") Negative Declaration that was issued by the Department in November 2013 with regard to an air permit modification application submitted by Global. Set forth below are responses to the Department's request for information relative to the 2013 permit modification; a request that is part of a multi-year process during which the Department has made other requests for additional information concerning the 2013 permit modification during telephone calls, meetings and e-mail communications.

The administrative record should make clear that the March 24, 2014 request for information is not the only request made by the Department for additional information relative to the 2013 permit modification application, and that Global, throughout this process, has continuously been responding to the Department and providing additional information, both in writing and in meetings and calls by and between technical staff.

It is important to note, and it has been generally acknowledged by Department representatives, that the issuance of the Negative Declaration in November 2013 was not interim

Mr. William Clarke
Regional Permit Administrator
May 15, 2014
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in nature, that there is no such thing as an "Interim Negative Declaration" under SEQRA, and that the reference to an "Interim Negative Declaration" in your letter has no legal meaning or effect. This is mentioned solely to make clear that the rule of law, not political considerations, must prevail in this process and to avoid any ambiguity that the Department's issuance of the November 2013 Negative Declaration was, without qualification, final and binding.

As you know, many of the questions asked in your March 24, 2014 letter have little direct connection with the 2013 air permit modification (herein referred to as the boiler project) now being reviewed by the Department; as such, the company appreciates the Department's patience in the timing of this response since information had to be gathered well outside of the context of the permit modification application. Although it seems clear from the nature of the questions that the Department is very focused on what could be considered collateral issues concerning the logistics of rail transportation of crude oil, we expect that the Department's evaluation of the emissions associated with the boiler project will once again confirm that such emissions have no significant adverse impact on the environment or the community and that the Department will stay within its jurisdiction when evaluating the pending application.

As noted below, the federal Department of Transportation and the Federal Railroad Administration have been taking measures related to the shipment by rail of crude oil, and Global itself has implemented a program resulting in the phased elimination of older DOT-111 rail cars and replacing them with the use of DOT rail cars that meet the most recent CPC1232 standard.

In any event, it is respectfully submitted that the administrative record to date does not provide a legal or factual basis for the Department to rescind its SEQRA Negative Declaration because the Department's Negative Declaration fully assessed potential impacts on the environment and the community from the boiler project. The SEQRA process was robust and involved an iterative process of follow-up questions and numerous responsive submissions.

The public comment period on the Department's issuance of the draft air permit was initially scheduled for closure on December 27, 2013. Given that the air emissions associated with the air permit modification do not have the potential for a significant adverse impact on the environment or public health, nor has the technical staff at the Department suggested to, or advised, Global otherwise, the extensions of the public comment period to January 31, 2014, and then to April 2, 2014 and then to June 2, 2014, have provided the Department and the public with a sufficient opportunity to present comments on the air permit or present a technically sound substantive basis to rescind the 2013 Negative Declaration as required under 6 NYCRR §617.7(f).

Moreover, for process accuracy and administrative record integrity purposes, the administrative record should reflect that staff members in the Department have conducted a

Mr. William Clarke
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comprehensive review of permit application files in Region 4 and have previously suggested that Global has provided necessary and responsive information to the Department, including responses to subsequent information gathering efforts of the Department. There is no legal or technical basis to consider rescinding the Negative Declaration as to this boiler project.

Contrary to disparaging and inaccurate allegations that some opponents of the boiler project have submitted to the Department, the technical submissions by Global have been comprehensive and consistent with air emission evaluation practices of the Department. Submissions were generally made after discussions with DEC staff and each submission underwent Department review. To the extent that some in an advocacy role with an "opposition agenda" have suggested that DEC Region 4 Air Staff failed to fully assess and evaluate all of the information submitted, the record should reflect that Regional Technical Staff are highly trained and experienced, reviewed submissions consistent with Department practices, and have consistently found that the proposed air permit modification would have no significant adverse impact on the environment consistent with the standards set forth in SEQRA.

Global wishes to express its appreciation as to the professionalism of Regional Air Staff and their ability to separate their review of facts relating to air emissions associated with the 2013 permit modification, relating to the boiler project, from the general critical opinions and concerns expressed in opposition to the rail transportation of crude oil into New York. The concerns over rail transportation should not be used to serve as an indirect attempt to regulate activities outside the jurisdiction of the Department. The concerns over rail transportation should not be confused with a scientific evaluation of the 2013 air permit modification request. The modification involving the placement of boilers in an existing on-site building to be repaired and restored and the emissions therefrom should not be transformed into a regulatory initiative or enforcement effort that intrudes upon the extensive regulatory and administrative restrictions and orders implemented by federal agencies, most recently as set forth in the Emergency Restriction/Prohibition Order of the US Department of Transportation.

Although Global always has cooperated, and will continue to cooperate, with the Department in relation to its review of the boiler project application, it is respectfully noted that the alleged permit review that you reference in the March 24, 2014 letter is often directed to what appears to be a collateral agenda associated with the rail transportation of crude oil and has nothing to do with a technical assessment of the permit modification application. Global has been engaged with the Department throughout the process. Global's technical representatives have continuously answered questions from the Department and have been asked to provide follow up answers to questions, and the questions have been answered, with additional written submissions. Those follow up submissions must be part of the administrative record.

Global fully understands that the Department is concerned about the rail transportation of crude oil, and Global shares the Department's commitment to safety; and Global looks forward

Mr. William Clarke
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to meeting with the Department to discuss any remaining issues of concern. But Global should not be singled out and have a permit modification application treated as the foundation for an effort to initiate regulatory control over the broader crude oil transportation controversy. Global voluntarily announced its CPC 1232 standard rail car initiative and continues to support initiatives aimed at increased safety and emergency response activities with regard to the rail transport of crude oil; but it is respectfully requested that the evaluation of the 2013 permit modification application should not be confused with the evaluation of the rail transportation concerns expressed by critics of the permit modification based upon rail transportation concerns.

Most recently, Global's engineering consultants have answered more inquiries from the Department's Air Division Staff, making additional submissions as to the air emission analysis earlier submitted to the Department. These follow-up submissions again confirm that the air permit modification will not adversely impact air quality. As stated in recent press announcements, the Department will conduct air quality sampling in the Port of Albany area, a heavily industrialized part of Albany that is adjacent to the Interstate Highway. Global acknowledges this effort; however, as noted in the Air Sampling Protocol issued by the Department, the air sampling will be performed to provide an understanding of the concentrations of air toxics in the Albany South End Community. The protocol appropriately points out that there are industrial sources and a major highway throughout the area and that the data is unlikely to provide enough, or the type of, information to determine specific source attribution. Given the heavy industrial operations and petroleum and other industrial facilities on both the east and west side of the Hudson River, Global is uncertain of the conclusions to be drawn from a regional air survey but notes that such data will provide no scientifically valid data as to Global's Terminal operations.

To the extent that the Department seeks to regulate rail transportation, it is respectfully suggested that the Department remain within the bounds of its jurisdiction as it evaluates the pending 2013 permit modification application. Global is confident that the Department legal staff has devoted substantial time evaluating the permit modification application and will be consulted prior to any action that alters the Department's previously issued Negative Declaration. The Department must respect the limit of its jurisdiction, particularly with respect to the identification of potential impacts under SEQRA, because, as previously noted, straying from the rule of law has, among other things, due process implications. Moreover, it is worthwhile to keep in mind that Global is not the only entity handling and storing crude oil in this State; the Department must be vigilant in not treating Global differently than the Department is treating other regulated entities. A FOIL request has been sent to the Department seeking information in this regard and other crude oil related matters and we are awaiting responsive documents.

Notwithstanding the above, and with reservation of all rights in that regard, Global is hereby providing responses to the questions raised in your letter as to the 2013 permit

Mr. William Clarke
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May 15, 2014
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modification matter with a strict adherence to certain factors that you acknowledged in your letter:

- Evaluation to confirm that the Department took the requisite “hard look” under SEQRA;
- The Department is conducting a technical evaluation with respect to the 2013 permit modification application;
- The Department will restrict itself to its jurisdiction to regulate activities under the permit;
- The responses are limited specifically to the “role of Global” as the “Applicant”;
- Other entities, including rail carriers, are responsible for their own operations and to the extent that the Department desires information from other entities, the Department will reach out to such entities.

The Global Albany Terminal is a stationary bulk petroleum storage and transfer terminal which consists primarily of petroleum product storage tanks and truck, rail and marine loading facilities, for storage and distribution of various petroleum products. The Global Terminal Facility property is located adjacent to the Kenwood Yard rail facility which is situated on property owned by Canadian Pacific. Previously, Kenwood Yard was used as an intermodal tractor trailer truck shipping and transfer facility. In 2009, Global proposed to modify the use of the rail facility. The Department and the City of Albany were fully involved in the conversion of Kenwood Yard to its current existing use.

On June 1, 2013, Global submitted an application to the Department for a Title V Air Permit Modification applicable to the Terminal that included authorization for the heating of certain petroleum products (crude, residual fuel and bio-fuels) at the Terminal. The changes included: 1) reconfiguration of the existing intermodal rail yard to allow offloading of heated petroleum products; 2) installation of emission controls in one tank (Tank 33) to allow storage of crude oil in that tank; and 3) installation of boilers to heat products contained in rail cars and storage tanks. The proposed boilers and modifications to Tank 33 required a modification to the existing air permit. On July 25, 2013, the Department requested additional information regarding the application, including a lengthy request for information pertinent to its SEQRA review regarding potential impacts associated with the addition of the boilers and heated product at the terminal. On September 6, 2013, Global’s consultant provided the Department a comprehensive submission responding to Department questions regarding potential SEQRA impacts, including a Full EAF.

At the time the application and Full EAF was submitted to Department, the structure housing the boilers did not trigger local site plan approval and therefore, there were no other “involved agencies” for purposes of the project. The Department proceeded to conduct the

Mr. William Clarke
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May 15, 2014
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SEQRA review. The SEQRA analysis and the EAF submitted and reviewed by the Department focused on potential changes at the Terminal as a result of the proposed modification of the permit. Therefore, the SEQRA review evaluated potential impacts related to the installation of the boilers and to heating of petroleum products. Global continued to closely coordinate with the Department Permit Administrator and Air Division during the review process, culminating in a meeting with the Air Division and Permit Administrator on October 22, 2013.

Global submitted a revised Title V Permit Modification Application dated November 8, 2013 based on the October 22 meeting and included changes to the sizing of the steam boilers. These changes necessitated a larger structure than initially proposed, but since that time, Global has decided to install the boilers in an existing building on the Terminal property which building will be repaired and restored to use. As such, insofar as the Department is concerned, under SEQRA no other state or local agency with discretionary approval is involved in approving the project/air permit modification.

The Department issued a Notice of Complete Application dated November 21, 2013. The SEQRA determination identified the project as an Unlisted Action that would not have a significant impact on the environment, and a Negative Declaration was issued. The Department's Negative Declaration includes a 22 page "Expanded Narrative" providing in detail, with citations to the materials provided in the application, the Department's reasons supporting the Negative Declaration.

According to the Negative Declaration, the Department Staff:

"carefully assessed the impacts that reasonably may be expected from the proposed action, and has compared these impacts to the threshold criteria presented in 6 NYCRR 617.7(c) in order to assess whether or not the proposed action will have a significant adverse impact on the environment. Based on the following comparison, and with consideration given to the project and site-specific aspects related to the proposed action, the Department has determined that the proposed action will not have a significant effect on the environment". (Emphasis added).

The Negative Declaration thoroughly examined each potential impact and provides a detailed characterization of the potential impact along with an assessment of the likelihood of the project, if any, to result in a significant adverse impact on the environment. Among other areas, the Negative Declaration examines in detail specific potential impacts associated with air quality, noise, impacts to species, and impacts on historic or archeological resources, and concludes, in each instance, after review of the submissions for the Project, that the Project will not result in a significant adverse impact. Moreover, the Negative Declaration identified the potential Environmental Justice Area and specifically determined and found that the Project "will not

result in an appreciable change in noise levels, traffic levels, air quality impacts [and] will not result in any significant adverse impacts to the surrounding residential community.” This assessment was robust and fully consistent with SEQRA.

The Department’s Negative Declaration finding that the 2013 permit modification project would not result in a significant adverse environmental impact was published with the notice of the application the following week in the Albany Times Union, commencing the public comment period. The public comment period has continued to be extended by the Department. Since that time, Global voluntarily implemented an enhanced public participation plan, consistent with environmental justice guidance, that had first been submitted to the Department prior to implementation and which was thereafter praised by the Department for its thoroughness. Global implemented the plan and has submitted an Interim Report documenting its public outreach efforts to date. In addition, the Department has held public meetings and conducted private meetings with environmental groups and elected officials, many of whom have sponsored additional public forums and discussions about the project. Moreover, at the request of the Department, additional information has been provided informally during telephone discussions by and between technical staff and the Department’s Request for Information process will further add to the administrative record. And, of course, Global has announced its CPC 1232 standard rail car initiative.

During all of these public participation activities, the USEPA and the Department have conducted multiple inspections of the Global Terminal in Albany, and Global has consistently consented to any sampling that the USEPA has sought to conduct. At last count, the governments have conducted more than 34 program related inspections of the Terminal during 2014.

The following responds to your questions about Global and the 2013 air permit modification application.

1. Who solicits the producer of the oil, and where does the solicitation occur?

Global and its third party customers solicit oil from producers, marketers and other suppliers of crude oil. Solicitations by Global occur from Global’s offices in Waltham, MA and Calgary, AB. Solicitations by third party customers generally occur from such customer’s offices.

2. Who signs the rail carrier agreements for oil shipments to the terminal?

For crude oil shipments to the Albany terminal shipped by Global, Global signs rail transportation agreements with the transporting railroad(s). For crude oil shipments to the Albany terminal shipped by third party customers, marketers or other suppliers of crude oil, the third party customers, marketers or suppliers, as

applicable, are responsible for signing rail transportation agreements with the transporting railroad(s).

3. What entities own, lease, operate, or control the operation of the tank cars used to transport crude to the Global facility?

Global leases rail cars for the transportation of crude oil to the Albany terminal for itself and certain third party customers. These cars are typically owned by leasing companies. Rail cars are controlled or managed by various entities throughout the supply chain. Where Global is the responsible shipper, Global controls load origin of the rail car. Global submits, to the transporting railroad, orders for the movement of empty rail cars to various loading facilities. The transporting railroad then moves the cars to the nominated loading facility.

Upon arrival, the loading facility receives the rail cars and provides loading, certification and inspection of the rail cars. Global then provides the loading facility with disposition information for the destination of loaded rail cars. Upon receipt of this request, the transporting railroad picks up the cars and delivers them to Albany, where they are received, inspected, and offloaded by Global terminal personnel.

In short, once the rail cars are released to the transporting railroad for shipment to the Albany terminal, the transporting railroad is responsible for the operation of the rail cars until the rail cars are delivered to the Albany terminal and released to Global. Global is then responsible for the offloading of the rail cars.

Certain third party customers may also own and/or lease their own rail cars for the transportation of crude oil to the Albany terminal. These customers control the operation of these tank cars during loading operation, working with the operators of the rail loading facilities who are responsible for loading the rail cars with crude oil. Once the rail cars are released to the transporting railroad for shipment to the Albany terminal, the transporting railroad is responsible for the operation of the rail cars until the rail cars are delivered to the Albany terminal and released to Global. Global is responsible for the offloading of the rail cars.

Third party marketers and other suppliers of crude oil which is purchased by Global or its third party customers on a delivered basis also own and/or lease rail cars for the transportation of crude oil to the Albany terminal. These marketers and suppliers control the operation of these tank cars during loading operation, working with the operators of the rail loading facilities who are responsible for loading the rail cars with crude oil. Once the rail cars are released to the

transporting railroad for shipment to the Albany terminal, the transporting railroad is responsible for the operation of the rail cars until the rail cars are delivered to the Albany terminal and released to Global. Global is responsible for the offloading of the rail cars.

4. Who designates the route of the rail cars?

Pursuant to the terms of the applicable rail transportation agreements between Global or third party customers, marketers or suppliers and applicable federal laws, the transporting railroad(s) are responsible for determining the route of the rail cars.

5. How, when and where is the size of the trains arriving at the terminal determined?

There are a number of responses required by this question, but as a preliminary matter it is respectfully suggested that the Department reach out to authorities on railroad operation, management, transportation and regulation given that the Department's principal concern appears to be the operations associated with railroad transportation, management and procedures. Global, however, can provide the following understandings that are responsive to the applicable questions:

a. How is the size of the trains arriving at the terminal determined?

The size of the trains arriving at the terminal are determined in conjunction with the railroad at the point of origin, although the size of the trains can range from manifest cars (single rail cars in smaller quantities, shipped with other commodities) to unit trains (trains carrying one commodity, that is unbroken from origin to destination, and for the most part, using the same power (locomotives) from origination to destination). Most unit trains range from 80-120 cars. The size of the train is determined by a number of factors including the size and weight of the cars so as to ensure that the tracks that the train travels on are sufficiently strong to handle the weight of the cars. The size of the trains can also be limited by the physical and/or operational constraints of the origination or destination facilities. Train size may also be determined by rail restrictions en-route to the terminal. For example, if a railroad only had passing tracks that could hold a certain number of cars (ex. 100 cars), then the railroad would not allow a train to have more than 100 cars in a unit train.

b. When is the size of the train arriving at the terminal determined?

The size of the trains is determined prior to arrival at the origination facility by the companies that are shipping the product, whether that is Global or a third party customer. The factors involved can be as simple as a train that is traveling back and forth from origination to destination facilities and the factors involved with the individual cars that comprise that unit train. The size of the train can also be determined by the number of cars available to load at a site. The railroad industry is highly regulated and each train receives numerous inspections both prior to departure from the originating facility by on-site personnel to ensure packaging and safety compliance, as well as a review by the railroad personnel who inspect for a wide variety of safety issues. If any cars are found not to be in compliance, then these cars are required to be removed from the train and that could affect the number of cars in the train. As they are repaired, cars can be added on to other unit trains that still have available capacity. A normal unit train can be comprised of 80-120 rail cars, including buffer cars, which are cars filled with sand that protect the crew and locomotives from direct contact with cars carrying transported materials.

c. Where is the size of the trains arriving at the terminal determined?

The size of the trains is generally determined by personnel from the companies that are instructing the railroads where to ship the cars. When making the decision on the size of the trains, these personnel are considering the factors discussed in the two previous questions.

6. What contractual rights, if any, does Global have concerning the timing of or frequency of deliveries and concerning the type of rail cars or size of trains?

Global has rail transportation agreements with the transporting railroad(s) to transport designated commodities (including crude oil) from origination locations to destination locations as mutually agreed from time to time. These agreements also establish rate structures for the transportation of such commodities to such destination locations, which may be based on Global transporting a minimum number of rail cars.

Pursuant to the terms of its rail transportation agreements, Global nominates to the transporting railroad the specific number of trains which Global desires to have transported from various origination locations to the Albany terminal during a specific period of time, generally monthly. The transporting railroad may accept all or some of the nominated trains, which determines the actual number of trains to be transported to the Albany terminal by Global. The desired specific timing and frequency of deliveries of these trains to the Albany terminal is

coordinated between Global, the origination locations loading the rail cars and the transporting railroad. However, the actual timing and frequency of deliveries of trains to the Albany terminal is dependent on the transporting railroad's ability to provide transportation services as requested, which may be impacted by a variety of factors outside of Global's control, including but not limited to adverse weather conditions, crew and equipment availability and competing rail traffic.

Pursuant to the terms of their rail transportation agreements, third party customers, marketers and/or suppliers nominate to Global and the transporting railroad the specific number of trains which they desire to have transported from various origination locations to the Albany terminal during a specific period of time, generally monthly. Global and the transporting railroad may accept all or some of the nominated trains, which determines the actual number of trains to be transported to the Albany terminal by these customers, marketers and/or suppliers. The desired specific timing and frequency of deliveries of these trains to the Albany terminal is coordinated between Global, such third party customers, marketers and/or suppliers, the origination locations loading the rail cars on behalf of such third party customers, marketers and/or suppliers and the transporting railroad. However, the actual timing and frequency of deliveries of trains to the Albany terminal is dependent on the transporting railroad's ability to provide transportation services as requested, which may be impacted by a variety of factors outside of Global's control, including but not limited to adverse weather conditions, crew and equipment availability and competing rail traffic.

The type of rail cars delivered to the Albany terminal are determined by the operational needs of Global or its third party customers or suppliers, as applicable, and in all instances are subject to compliance with applicable federal laws and the rules, policies and procedures of (a) the origination location which loads the railcars, (b) the transporting railroad and (c) Global as the operator of the Albany terminal. On April 30, 2014 Global announced that it will voluntarily begin requiring, on a phased basis starting June 1, 2014, compliance with CPC-1232 rail car design standards for all crude oil unit trains arriving at its Albany NY Terminal. The CPC-1232 standards, which address transportation of hazardous materials including crude, were developed by the American Railroads Tank Car Committee for rail cars ordered since October 2011. The standards include safety features for leak prevention, puncture resistance and rollover protection, including a thicker, more puncture-resistant shell or jacket; extra protective head shields at both ends of the tank car; and additional protection for the top fittings.

Regarding the size of trains arriving at the Albany terminal, please see answers to Question 5, above.

7. Does Canadian Pacific (or any other railroad) own or control any portion of the Global facility or hold a significant interest in Global?

Canadian Pacific owns Kenwood Yard in Albany. Global leases the portion of Kenwood Yard containing Global's offloading tracks and offloading equipment. The infrastructure that Global uses to offload rail cars at Kenwood Yard was constructed by Global and is owned and maintained by Global.

Global, the owner and operator of the Albany Terminal, is a wholly owned subsidiary of Global Operating LLC, a wholly-owned subsidiary of Global Partners LP, a publicly-traded master limited partnership (NYSE "GLP"). As a master limited partnership, Global Partners LP is governed by the Board of Directors of Global GP LLC, its general partner. CP does not have any ownership interest in Global GP LLC, Global Operating LLC or Global. Based on a review of K-1 documents of Global Partners LP, CP does not appear to be a holder of any publicly traded limited partnership units of Global Partners LP.

8. Does Global have any contracts with Canadian Pacific which require Global to accept material at the facility?

As set forth in #6, above, Global has rail transportation agreements with the transporting railroads such as Canadian Pacific Railroad to transport designated commodities (including crude oil) from origination locations to destination locations as mutually agreed from time to time. These agreements also establish rate structures for the transportation of such commodities to such destination locations. These agreements do not require Global to accept specific material at the Albany Terminal.

9. Who signs the agreements for oil shipments out of the terminals using barges? How, when and where is the size of the barges serving the terminal determined?

Global has agreements in place with various barging companies for the marine transportation of products out of its Albany terminal. These agreements are both for time charter agreements (extended periods of time), or spot charter agreements (either one trip or a limited amount of trips in a short period of time). The negotiations of these agreements are conducted in Global's corporate offices in Waltham, MA.

The size of the barges varies but generally is determined by a variety of factors including without limitation the specific marine equipment available for charter,

the docking limitations of the Albany terminal, the docking limitations of the ultimate delivery location, the navigation limitations of the Hudson River as established by the U.S. Coast Guard and Global's marine vessel vetting and approval requirements.

10. Please identify whether Global, the rail carrier, the producer of the crude oil, or any other entity has any process to sample and analyze the contents of oil tank cars? Does any party provide Global with information about any chemical constituents added to the oil in a tank car to reduce its viscosity?

Yes, per USDOT requirement under Amended and Restated Emergency Restriction/Prohibition Order on Docket No. DOT-OST-2014-0025 enacted February 25, 2014, "This Amended Order constitutes an Emergency Restriction/Prohibition Order by the United States Department of Transportation (DOT) pursuant to 49 U.S.C. § 5121(d). The Amended Order is issued to all persons who offer for transportation, in tank cars by rail, in commerce to, from, and within the United States, UN 1267, Petroleum crude oil, Class 3, PG I, II, or III, as described by 49 CFR § 172.101 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171 to 180).

By this Amended Order, USDOT is:

- requiring persons who offer bulk quantities of petroleum crude oil for transportation in commerce by rail in rail tank cars to ensure that the material is properly tested (conducted with sufficient frequency and quality) and classed in accordance with this Amended Order and the HMR;
- requiring persons who offer bulk quantities of petroleum crude oil for transportation in commerce by rail in rail tank cars to treat Class 3 petroleum crude oil as a Packing Group (PG) I or PG II hazardous material only; and
- prohibiting persons who ordinarily offer petroleum crude oil for shipment as UN 1267, petroleum crude oil, Class 3, PG I, II, or III from reclassifying such crude oil with the intent to circumvent the requirements of this Amended Order (pg. 1)."

This order requires testing of crude oil prior to being offered into transportation for the purpose of classifying the product so that it is properly packaged as UN 1267, petroleum crude oil, Class 3, PG I or II on the bill of lading. Furthermore,

as stated in the above mentioned order: "...testing must have been conducted within the reasonable, recent past to determine flash point and boiling point in order to assign a proper PG (pg.16)."

To reduce viscosity and improve the flow characteristics, lighter end petroleum hydrocarbons are blended into certain crude oils. These include lighter crude oils and natural gas liquids. Natural gas liquids are commonly used in gasoline blending. This is a common practice used by producers to meet viscosity specifications to ship products on pipelines. The blending is typically conducted by the producer prior to being loaded. The light end products used to reduce viscosity are referred to as diluents and are ubiquitous in the petroleum industry, typically consisting of petroleum condensates or light crude oils. Assays of diluents are publically available and have previously been provided to the Department. In addition, the characteristics of the final blended product are incorporated in the assays and analyses for the individual products.

11. What information will Global share with the community and any City, County or State agencies regarding the types and volume of materials transported to the Global facility?

Global is seeking approval from the Department to modify an existing air permit to install and operate four steam-generating boilers and three heaters at its Albany terminal (DEC Permit Application #4-0101-00112/00029). The Department has made the permit application information available to the public. To support its application, the Department, after the issuance of a SEQRA negative declaration determination, requested that Global develop a Public Participation Plan (PPP) aimed at enhancing communications with neighbors in the vicinity of Global's Albany facility. Global voluntarily agreed to develop such a plan and submitted the plan to the Department on February 26, 2014. The plan was subsequently revised, based on feedback received by the community, and re-submitted to the Department on March 10, 2014. Global has implemented the plan and has held public meetings, developed a comprehensive website for the project and has been providing information, on an on-going basis, to local, state and federal representatives.

For additional information, please review the PPP plan, together with Global's progress report on PPP activities submitted to the Department on April 28, 2014. Global expects to submit a final report to the Department in the near future.

Because the Global Major Oil Storage Facility (MOSF) permit for the Albany terminal is highly regulated, it is Global's understanding that extensive facility

and permit information is also available by the nature of broad disclosure under the Freedom of Information Law and Global is aware of disclosure of extensive documents to involved groups and community representatives. The United States Environmental Protection Agency also has applicable permit related information as to the air permits held by Global. It is Global's understanding that such information has been made available under the Freedom of Information Act or otherwise.

Global has provided comprehensive information pursuant to the permit process, including a series of submissions in response to multiple requests for information from the Department. Global has reported information under applicable federal and state regulatory requirements as to emission data. Global has a web site with information about the Albany Terminal and the permit modification application. The web site information clearly describes that:

At the Albany terminal, Global is permitted to receive, store and distribute a wide variety of petroleum products, including gasoline, diesel fuel, home-heating oil, kerosene, crude oil, and renewable fuels such as ethanol. Global is seeking to add handling of biodiesel at the Albany terminal. Global is also seeking to heat certain grades of products that are already permitted to be received, stored and distributed. The proposed Project does not seek to expand the permitted storage capacity or total volume of petroleum products received at the facility and transported from the facility (commonly referred to as "throughput.")

Global is currently permitted to receive crude oil at the terminal. The decision on what type of crude oil is transported and stored at the Licensed MOSF is based on economic market forces such as availability, price, supply and demand, and other issues relevant to the energy needs of the country.

12. What actions does Global plan to implement to address any unique qualities associated with bitumen crude oil with respect to fires, explosivity, spill prevention and response and describe how these potential impacts to the community can be successfully avoided? Please include a comparable analysis for the other types of hazardous materials received and stored at the Global facility for these impacts.

Generally, the products associated with the boiler project application are less volatile, pose less of a fire risk, and emit less VOCs and Criteria Pollutants than many of the products currently handled by Global. Bitumen crude oil is typically characterized as a combustible material and has a higher flashpoint than the other

products currently stored by Global. Bitumen is often blended with lighter petroleum products to facilitate shipping which will tend to lower the flashpoint into the flammable liquids category. There are also other characteristics of bitumen which require additional spill planning and response efforts. A more detailed discussion related to emergency response, fire response and planning, and oil spill prevention and response is included in the responses to questions 16, 20 and 23.

Global constructs and operates its facilities based on extensive federal, state and local regulation; applicable codes, and Global's own operating standards. Any significant change in the method of operation or change in product requires a permitting and suitability evaluation to identify applicable regulatory obligations, construction standards and operational procedures. Training requirements, as well as engineering and operational controls are reviewed prior to facility or product changes to identify any potential impacts. Controls are modified, as necessary, to maintain compliance and maintain an appropriate level of safety, protection of personnel and the community.

Global, as noted below, has a system for training our employees on safe operation and emergency response, spill prevention and response and other environmental requirements. This training is based on applicable requirements for the industry. The primary training related to fire safety and emergency response is described below.

Hazard Communication

Employees are trained regarding the hazards of the products they handle through Hazard Communication training. This training incorporates the hazards of the products and specific controls used to prevent exposure including systems at the terminal and personal protection. Refresher training is provided on a scheduled basis or as needed depending on changes in operations or products handled (whenever a new hazard is introduced).

Fire Prevention

Employees are provided with training on fire prevention practices on a regular basis. The training includes the controls used at the terminal to prevent the occurrence of fires through systems used at the terminal as well as work practices. Routine inspections are conducted at the terminal to identify and correct abnormal conditions consistent with this training. Refresher training is provided on a

scheduled basis or as needed depending on changes in operations or products handled (whenever a new hazard is introduced).

Fire Response / Extinguisher

To address the unlikely event of a fire, employees are trained on emergency notification and response practices in order to summon appropriate responders. These response practices are addressed through regular spill response training, reinforced during safety meetings, and addressed during emergency response drills. Training, meetings and drills address responses specific to potential fire scenarios at the terminal, response equipment and local response capabilities.

Employees are also provided with initial (incipient) stage fire extinguisher training which addresses the appropriate responses to small fires that can be extinguished quickly using available equipment on-site. Employees are trained to assess the risk of fire response and take appropriate action to mitigate using a fire extinguisher if this can be done quickly and safely. In addition, fire response training is conducted on a regular basis (typically annually) in conjunction with the Albany Fire Department to coordinate response.

Fire extinguishers are provided at each transfer location for employee use. These extinguishers are distributed pursuant to applicable OSHA and NFPA requirements. They are subject to regular visual inspection and training.

HAZWOPER

Employees are provided with substantial training on spill response procedures pursuant to OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) requirements. Employees are provided with at least 24-hours of initial training and 8-hours of annual refresher training provided by a qualified and experienced instructor. This training provides employees with knowledge on the hazards and strategies to be employed in the event of a product spill to minimize risk to on-site personnel, the public, the environment, and property.

This training is consistent with the facility's Emergency Response Action Plan and Facility Response Plan which documents specific response measures depending on the type, quantity and location of a product spill. This plan is reviewed with employees on a regular basis.

Spill Equipment Deployment

The terminal maintains emergency equipment for spill response including spills over land and water. The terminal has spill control equipment that can be deployed by facility personnel to rapidly contain or divert a product spill over

water. Terminal employees are provided with training on the use of this equipment including associated watercraft needed to deploy over-water spill controls. Refresher training is provided on an as-needed basis, typically correlating with boom deployment exercises.

Employees conduct boom deployment exercises on a semi-annual basis using the facility's equipment. In addition, personnel may deploy this equipment as part of unannounced drills initiated internally or by government agencies (government initiated unannounced exercises).

PIC Training for Dock-watch

Consistent with US Coast Guard requirements, all employees assigned to the marine dock during product transfers are provided with Person In Charge (PIC) training consisting of 48 hours of initial training. This training includes a number of elements related to spill prevention and response including pollution prevention, operational controls, Coast Guard regulations, vessel inspections, and security.

Employees are trained to constantly monitor marine transfer operations to identify conditions that could lead to equipment failures, spills or leaks. Communication mechanisms are in place to coordinate personnel actions between Global employees and barge transportation company employees to allow for a quick and orderly shutdown of transfer operations and safe isolation where needed. Employees follow documented emergency response procedures to identify, isolate and respond to product spills. These procedures include required notifications to authorized personnel, spill response organizations, local response agencies, and appropriate regulatory agencies when required depending on the nature of response.

Operations Training

Employees are provided with an appropriate level of operational training in order to safely perform their work while minimizing the potential threats of spill or fire. This training includes a combination of formalized classroom training, review of operating procedures, and on the job training.

On the job training is conducted by experienced operators or other third-party trainers as needed. Employees must be able to demonstrate competency in product transfer activities and related safety measures prior to working independently.

Safety Meetings

Routine safety meetings are conducted at the Albany terminal. These safety meetings address operational safety considerations reinforcing safe work habits and operational guidance at all times. These meetings cover a wide variety of safety topics that include exposure, fire, and spill prevention. The safety meetings provide operators with a forum to address any questions or concerns they may have in a collaborative environment. Valid safety concerns or observations are evaluated and addressed to improve overall safety performance. Drills and exercises may also be conducted as part of these safety meetings to enhance and evaluate the operators' competency and capabilities.

Operating Procedures

Operating procedures have been developed for product transfer and storage activities at the facility. These procedures include safety measures to prevent product spills or fire and provide a safe working environment. These procedures are referenced during operator training. Procedures are reviewed on a regular basis to verify that they reflect current operations and to make appropriate improvements.

Drills

Regular emergency preparedness and response drills are conducted involving facility personnel as well as Global's contracted Oil Spill Response Organization (OSRO). These drills are conducted in accordance with USCG Preparedness for Response Exercise Program ("PREP") guidelines. The Facility Response Plan documents the drill schedule as well as forms used to record the drill events. These drills include emergency responder notification, tabletop exercises, and equipment deployment exercises. These drills can be announced and unannounced.

Following each drill, an after action review is conducted to evaluate drill performance and to initiate any recommendations to improve performance of the team.

In addition to the drills documented in the Facility Response Plan, Global participates in any area exercises initiated by government agencies (announced). Global will also participate in any government initiated unannounced exercises upon request.

- 13. In the Kenwood Yard, drainage runs to a series of retention ponds. Do all parts of the unloading area drain into the catchment basins leading to the ponds? Specify the drainage path in the yard and the capacity of the retention ponds to handle any spill from this area. What additional best practices or other steps does Global**

consider potentially available to enhance its capacity to effectively avoid these impacts?

Secondary containment is provided within Kenwood Yard using a combination of containment berms, catch basins and/or drainage swales. The infiltration basins that are also present are not meant for primary containment; they are utilized for storm-water control. However, they do serve as a back-up containment system if necessary and have a capacity of 180,000 gallons.

The containment system for the unloading areas at Kenwood Yard is required to meet the General Secondary Containment Requirements under USEPA Oil Spill Prevention regulation 40 CFR 112.7 - General Requirements for Spill Prevention, Control and Countermeasure (SPCC) Plans. The regulation requires that appropriate containment and/or diversionary structures or equipment be present to prevent a discharge. In determining the method, design, and capacity for secondary containment, the regulation specifies that the containment system needs to address the "typical failure mode", and the "most likely quantity of oil that would be discharged", and that secondary containment may be achieved through the use of "(i) Dikes, berms, or retaining walls sufficiently impervious to contain oil; (ii) Curbing or drip pans; (iii) Sumps and collection systems; (iv) culverting, gutters, or other drainage systems; (v) Weirs, booms, or other barriers; (vi) Spill diversion ponds; (vii) Retention ponds; or (viii) Sorbent materials. Global complies with the regulatory requirements.

Secondary containment in the west unloading track area drains to the north end of the offloading area to a series of three catch basins. The catch basins are equipped with valves to stop flow in the event that oil enters the catch basins. These valves are maintained in the closed position unless actively being drained. The east tracks use a one foot containment berm to provide containment around the individual rails. Drainage in this area discharges to a series of two trenches, which provide additional containment outside the berms. The containment in the unloading areas far exceeds the General Secondary Containment requirements.

As part of the boiler project, two new rail spurs will be installed to accommodate heated product cars. The new rail spurs will be constructed to provide similar General Secondary Containment and tie into the existing drainage system.

Global employs additional stormwater management practices with respect to oil spill prevention and response including training in spill response, daily monitoring of conditions within Kenwood Yard, and maintaining contracts with experienced spill response contractors in the local area. Discharge of stormwater

from the aforementioned structures is conducted following visual inspection of the stormwater by trained operators.

14. What type of oversight and control will be put in place to determine if an oil spill has occurred during the loading and offloading of transport cars? Does Global have any type of warning device which will alert workers and residents that a spill, fire or explosion is may be imminent?

The oversight and control to determine if an oil spill has occurred is incorporated into the existing operating procedures in place at the terminal. All Terminal operators are equipped with two way communications and are in contact with the person in charge. These are used to communicate any incident. Prior to arrival of trains, shore tanks are gauged to verify that there is sufficient capacity for receipt of rail cargo. In addition, all tanks are equipped with monitoring systems and audible and visual multi stage high level alarms. The tank levels are monitored via displays in Kenwood Yard, the terminal operations building and the marine dock and manually monitored via gauges at the tanks. There are numerous emergency stops located throughout the terminal and rail sidings that are designed to stop the flow of products in the event of an incident. In the event of an emergency, Global follows the procedures established in the terminal emergency response plans and makes proper notifications to State, Local and Federal agencies. Additional information regarding community notifications is included in the answer to question #16.

Prior to arrival of a train, the offloading area is checked to ensure the tracks are clear and the high level alarms on the receiving tanks(s) are checked. Prior to offloading products the offloading area is secured, the tracks are secured to prevent unintended movement of the railcars, wheel chocks are deployed, grounding cables are secured to the railcars, hand brakes are checked and a general car inspection checklist is completed.

During offloading of rail cars, product handling and transfer operations are monitored continuously by trained terminal personnel (note that there is no loading of transport cars related to the current permit application). This includes regular inspection of railcar connections, piping, pumping systems, pump pressures and product levels in the receiving tanks.

Once the offloading is complete, the railcars are prepared for rail shipment. This includes disconnecting product lines and grounding cables, ensuring all manway bolts, plugs and caps are tool-tight, and the dome covers and bottom outlet valves are sealed.

In addition, the entire rail yard is illuminated and fenced and equipped with closed circuit cameras (pan/tilt/zoom cameras) for monitoring operations.

15. What types of studies have been done regarding the potential for a spill, fire or explosion during the processing and transport, including the loading and offloading, of heated crude oil? Please provide any studies or reports regarding such studies.

Global is not aware of any studies related to the potential for a spill, fire, or explosion during the processing and transport, including the loading and offloading, of heated crude oil. As previously mentioned, Global constructs and operates its facilities based on extensive federal state and local regulations; applicable codes; and internal operating standards. The characteristics and fire potential of the products handled at the terminal, and crude oils in general, are incorporated into construction standards, operational requirements and fire safety standards. Additional information regarding fire response and planning is included in the response to question #20.

With respect to the potential for a spill, the types of heated oil associated with the pending permit application do not have any impact on the potential for a spill to occur. However, the heating process will require that the steam condensate lines be monitored for oil and that the thermal oil lines associated with the heated tanks be visually inspected as part of the normal terminal inspections. The characteristics of some heated oils do require additional evaluations to be performed for spill planning and response. These requirements and the outcomes of our evaluations are included in the response to question #23.

In preparation for the boiler project approval, Global has met with National Response Corporation who has extensive knowledge and experience with spill response related to heated oils. NRC is Global's oil spill response organization. In addition, the following are some of the documents Global has reviewed as part of the overall evaluation related to heavy oil characteristics and spill response.

NOAA, USCG, USEPA, API. (2010). *Characteristics of Response Strategies: A Guide for Spill Response Planning in Marine Environments*

Environment Canada, Fish & Oceans Canada, Natural Resources Canada. (2013). *Federal Government Technical Report: Properties, Composition and Marine Spill Behaviors, Fate and Transport of two Diluted Bitumen Products from the Canadian Oil Sands* (Cat. No. En84-96 2013E-PDF)

NOAA. (2013). *Transporting Alberta Oil Sands Products. Defining the Issues and Assessing Risks* (NOAA Technical Memorandum Nos OR&R 44

16. Does Global have an emergency evacuation plan or emergency preparedness plan in the event of a large-scale disaster? How will Global communicate and coordinate with first responders and the people of the City of Albany in the event of an explosion or other type of incident?

Yes, Global has an emergency evacuation plan for the terminal included in the Emergency Response Action Plan. The primary purpose of the evacuation plan is to provide instruction for evacuation of the terminal and procedures to account for employees, contractors and visitors at the site. The Emergency Response Action Plan contains procedures for notification of Federal, State and local authorities. Any additional evacuation that may be implemented beyond the facility would be directed by the Albany Fire Department as incident commander. Global would coordinate and cooperate with the Fire Department as needed. Global routinely communicates and trains with the local Fire Department and officials are provided access to the terminal to understand its operations and train.

Emergency events that have a potential impact to the community need to be managed and communicated in a coordinated manner. Depending on the nature of the incident, Global would follow procedures and training consistent with the Incident Command System to involve local emergency services which would include the local fire, police and the Local Emergency Planning Commission.

17. The community is understandably concerned that tank cars are located in close proximity to the Ezra Prentice Homes. What evaluation has Global undertaken of the options for relocating rail car staging and unloading operations away from residential areas including the Ezra Prentice Homes?

The cars located in close proximity to the Ezra Prentice Homes are not under Global's operational control, as they are still in transport by the transporting railroad at that location. The rail cars are not returned to Global's control until they are delivered to Global's offloading area and released by the transporting railroad. The locations of where to stage rail cars that are in transportation to and from the Albany terminal, other locations in the Port of Albany, or other destinations is under the control of the transporting railroad. The transporting railroad determines where to stage all rail cars for all commodities based on their own logistics and operational requirements.

Global has implemented a public participation plan and has shared concerns raised by members of the public about the railroad with railroad officials. As part of the Public Participation Plan process, community meetings were held which Canadian Pacific attended. Canadian Pacific informed the public that the tracks closest to the Ezra Prentice Homes are generally used to stage outgoing trains and that the railcars on those tracks are usually empty.

Global supports the initiative of Governor Cuomo to have state and federal agencies work with the railroads to increase safety. In support of this initiative, Global recently announced that it will voluntarily begin, on a phased basis as of June 1, 2014, requiring compliance with CPC-1232 rail car design standards for all crude oil unit trains arriving at the Albany Terminal. The CPC-1232 rail cars have several design features that make these safer during storage and transit. While adoption of this design criterion is not required in the United States, Global has made an operational decision to adopt this design standard in the interest of safety.

18. In view of Global's recent decision to reconfigure the placement of the proposed boilers for heating crude oil, please provide a new drawing and description of the revised configuration.

Revised Site Plan with the boilers located in the existing building is attached. The proposed boiler location is in an existing structure on the west side of the terminal. This building is currently in disrepair but will be restored and developed to be a useful part of the MOSF terminal operation. Reuse of the building is fully consistent with green redevelopment policies of the State with regard to pre-existing industrial facilities.

19. Members of the public have expressed concern about emissions of volatile organic compounds and other pollutants that result from Global's current or proposed operations, including the proposed process of heating oil in the tank cars. In order to address that concern, please describe the process of heating oil in the tank cars. Specifically identify when, in the process, the valves are opened to drain the oil and the vents are opened on the top of each car to allow external air to flow into the tankcar as the oil is drained. What safeguards exist to prevent overheating or the heating of oil that does not require heating? In addition, identify all procedures and tools that Global utilizes, or plans to utilize, to detect and repair leaks of air pollutants or other fugitive emissions from any aspect of its operations, regardless of whether those efforts are required by any applicable State or federal regulations.

Once the railcars arrive at the Kenwood Yard offloading area, the shipping papers are checked against the individual car identification numbers to confirm the cars received and the point of origin. Through this process, Global confirms the type of product contained in the railcars and that the cars received contain viscous oil that requires heating rather than light sweet crude oil. Analytical data representing the shipped oil will then be used to determine what temperature the oil needs to be heated to in order for it to flow efficiently.

The railcars will be heated with steam generated from four boilers. The heating system is a closed loop system. The railcars which require heating are specially designed with internal or external jacketed heating coils. As the steam circulates through the heating coils, it indirectly heats the oil in the car. Steam lines will carry the steam from the boilers to the designated offloading areas. Once the railcars are received, the steam lines will be connected. Temperature will be monitored during off-loading.

Once the designated temperature is reached, (approximately 120 degrees Fahrenheit), pumping will be initiated to begin emptying the railcar. The offloading procedures require that the vents on the railcars only be opened following initial offloading of the product such that a negative pressure is present when the valves are opened. As the oil drains from the car, a vacuum is created and outside air enters the car.

With respect to the emissions associated with the project, detailed emissions calculations have been conducted and the emissions have been modeled and compared to applicable state and federal limits. The Department has reviewed these emission calculations and confirmed that they are below the applicable limits. The application proposes to heat petroleum products and biodiesel to approximately 120 degrees Fahrenheit. The purpose of heating oil is to reduce viscosity such that they can be pumped efficiently. The oil is not directly heated; rather it is a heat transfer from the steam coils.

The purpose of the closed loop heating system is not to drive volatile organic compounds out of the oil. Oils which can be pumped at ambient temperature, such as Bakken Crude Oil, will not be heated. The products to be heated are of lower volatility than the products currently stored at the terminal and have lower VOC and Criteria Pollutant air emissions than the current products stored even when heated to 120 degrees.

Global conducts daily inspections of the terminal for spill prevention purposes and to evaluate any additional maintenance that may be required outside of our

standard preventative maintenance program. This documented daily inspection includes inspection of equipment for unanticipated liquid and vapor leaks. Numerous additional facility inspections are conducted during transfer operations and at the beginning of each shift. In addition, a comprehensive documented inspection of the entire terminal is conducted monthly.

- 20. Please describe the potential fire risks associated with handling and storing bitumen crude oil and describe how Global would address a fire in the Kenwood Yard if one broke out in the railcar off-loading area? What specific fire suppression equipment is on hand at the facility and what are the additional resources, if any, that should be available to responders. In describing Global's response capacity, please include a description and assessment of the capacity of local first responders to engage in effective and immediate specific fire suppression efforts including a description of existing equipment and its location and ownership.**

The National Fire Protection Association (NFPA) sets forth standards and codes intended to minimize the possibility and effects of fire and other risks. NFPA Code 30: Flammable and Combustible Liquids Code provides safeguards to reduce the hazards associated with the storage, handling, and use of flammable and combustible liquids. Topics covered within NFPA 30 include fire and explosion prevention and risk control, storage of liquids in containers, storage of liquids in tanks, piping systems, processing facilities, bulk loading and unloading, and marine docks. The construction and installation of equipment associated with the pending permit application will be in accordance with applicable sections NFPA 30.

NFPA 30 categorizes liquids into three Classes based upon the liquids' initial boiling point and flashpoint. Flammable Liquids (liquids with a flashpoint below 100 degrees Fahrenheit) are categorized as Class I Liquids while Combustible Liquids (liquids with a flashpoint above 100 degrees Fahrenheit) are categorized as Class II or Class III liquids. The crude oils and refined products handled at the terminal currently consist of Class I, Class II and Class III Liquids. The products to be handled at the terminal will also fall under the same classifications.

If a fire were to break out in Kenwood Yard, Global would follow the procedures set forth in its Emergency Response Action Plan (ERAP). The key components of the fire response procedure include dialing 911 and conducting the following actions: stop product transfer operations, shutdown equipment that may be a source of ignition; secure the incident area and terminal; conduct other internal and external notifications; prepare firefighting equipment (fire hydrants, foam

trailers and fire suppression systems) for use by the fire department; follow the terminal evacuation plan and account for employees, visitors and contractors.

Global would interface with the Albany Fire Department upon arrival to identify the type of incident – (i.e. fire, spill, etc), and communicate the products involved, the hazards of those products, areas and equipment to avoid, other potential problems and recommended response actions based on our knowledge of the terminal. During the response, Global would provide support to the fire department by monitoring terminal operations and equipment.

All crude oil tanks are equipped with a fixed foam fire suppression system. In addition two self-contained mobile foam trailers equipped with hoses, nozzles, and monitors are available for fire response within Kenwood Yard. One is at the terminal and the other is housed at the South Pearl Street Fire House for rapid deployment if required. The terminal has an additional 6400 gallons of foam stored and available. Global also has 3 additional self-contained mobile foam trailers located in Newburgh, N.Y., available for immediate deployment with an additional 1500 gallons of foam. The rail facility has a newly installed 8" looped fire main with associated hydrants.

Fire training is conducted with the Albany Fire Department on an annual basis. In the event of a power outage during an emergency, the Albany Terminal is equipped with automated generators to power 100% of the terminal.

21. Please describe the nature and frequency of drills in which fire suppression capabilities are practiced and tested, including both Global's on-site capabilities and coordination with local fire Departments.

Fire training is conducted with the Albany Fire Department on an annual basis. The fire department training includes familiarization with each of the fire suppression systems including the portable foam trailers stored at the terminal and at the South Pearl Street Fire Station, the truck loading area foam suppression system and the dock/east tank farm foam suppression system and the west tank farm foam suppression system.

All terminal fire systems are operated and tested annually by an outside contractor in accordance with NFPA 25 "Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems". The foam concentrate (AR-FFF) stored at the terminal is tested annually under the terminals preventative maintenance program.

- 22. Please describe secondary containment for all aspects of the facility including those ancillary to the main portion of the facility. Please include an assessment of secondary containment for the several piping runs that exist outside the secondary containment areas at your facility. What is Global's assessment of the feasibility of adding containment or automatic leak detection to these areas?**

There are five types of operational areas at the terminal 1) Tank Dike areas 2) Loading and Unloading Racks 3) Oil transfer areas (not defined as Racks under EPA Regulations) 4) the Marine Dock area and 5) other areas where the potential exists for an oil spill (piping runs etc). The tanks at the terminal are surrounded by secondary containment dikes and equipped with ClayMax liners. The dikes are designed to hold 110% of the capacity of the largest tank within each dike area. There are two loading racks at the terminal. These loading racks are equipped with spill containment tanks and transfer systems which provide containment for the largest cargo compartment being located at each rack. There are various unloading areas and other oil transfer areas within the terminal which are required to meet EPA's General Secondary Containment Requirements. These include the Kenwood Yard offloading area, a secondary rail offloading area and areas for offloading additives. These areas meet the General Secondary Containment Requirements via containment areas, terminal drainage, drip pans and/or readily available spill response materials. The marine dock is equipped with a spill pan and integrated spill containment tank.

The majority of piping at the non-transportation related (EPA regulated) portion of the terminal is contained within tank secondary containment dikes or areas equipped with other Secondary Containment (i.e the truck loading rack and Kenwood Yard). Piping runs outside these areas are limited in scope and rely on facility drainage to contain a spill.

The piping associated with the transportation related (USCG regulated) portion of the terminal runs from the first valve within secondary containment to the marine dock. It is recognized under the regulations that containment for marine dock piping is not generally feasible, and therefore, the regulations require annual hydrostatic testing of the piping at 150% of its operating pressure. Global conducts this annual testing in conformance with the regulation.

- 23. Please describe the nature of the crude oil that would be handled at the facility if the permit modification were issued and specify the volumes and types of crude oil that would be handled. Please include an assessment of whether any changes/modifications would be required in your emergency response plans to address a potential release, especially one to the Hudson River?**

Spill response planning is regulated by the EPA under 40 CFR Part 112 (Oil Pollution Prevention) and the USCG under 33 CFR Part 154 (Facilities Transferring Oil or Hazardous Material in Bulk), as well as by the NYSDEC under the Petroleum Bulk Storage regulations. The EPA and USCG categorize oil as Persistent or Non-Persistent based on the oil's boiling point characteristics, flashpoint and/or specific gravity.

The EPA regulation also classifies oil into Groups. Group 1 oils are considered Non-Persistent and are defined as a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions: (A) At least 50 percent of which by volume, distill at a temperature of 340 degrees C (645 degrees F); and (B) At least 95 percent of which by volume, distill at a temperature of 370 degrees C (700 degrees F). The remaining oil Groups are considered Persistent and are defined as follows:

A petroleum based oil that does not meet the distillation criteria for a non-persistent oil. Persistent oils are further classified based on specific gravity as follows:

Group 2—specific gravity less than 0.85;

Group 3—specific gravity equal to or greater than 0.85 and less than 0.95;

Group 4—specific gravity equal to or greater than 0.95 and less than 1.0;

or

Group 5—specific gravity equal to or greater than 1.0.

The type of crude oil shipped at the terminal will consist of Group 1, Group 2, Group 3 and Group 4 oils. Although the terminal is permitted to store any type of crude oil, to ship Group 5 oils Global would need to conduct additional spill plan amendments and engineering analyses consistent with MOSF and API requirements.¹ The quantities of crude oils will vary based on economic market forces such as availability, price, supply and demand, and other issues relevant to the energy needs of the country. Regardless of the classification of crude oil, the volume of crude oil will meet the terms and conditions of the Title V Air Permit.

¹ While the press often makes reference to "Bakken Crude" and/or "Tar Sands", it should be understood that those are very generic terms that refer to geographic and/or geological origins of certain crude oils. Both terms include oils in various oil groups and can originate from a variety of sources throughout North America. What is often referred to as "Bakken" would not be classified as a group 5 oil. As noted, the terminal currently is permitted to accept the full range of crude oils.

The Facility Response Plan for the Terminal includes spill planning and response for both Non Persistent Group 1 oils and Persistent Group 2 oils. The FRP will need to be updated to include spill response for Group 3 and Group 4 oils. Global has completed a Worst Case Discharge analysis in conformance with the Oil Pollution Prevention regulations. The analysis identified that the on water recovery spill recovery capacity during a Tier I Response will need to be increased by 1,473 barrels per day, which is approximately a 10% increase over what was required prior to the proposed modification. We have contacted our primary Oil Spill Response Organization (OSRO) National Response Corporation and providing the additional spill resources within the required timeframe is well within their capability.

If different products are brought and stored at the Terminal that require different spill response requirements, Global would modify its plan and facilities accordingly and, pursuant to the MOSF License, such modifications would be submitted to the DEC. Our OSRO is qualified and registered with the USCG for response to all oil groups.

24. What are the best practices for containment while product is being pumped on to barges (e.g., booms)? Will Global be implementing them?

Industry practice is not to boom flammable liquids and the Coast Guard does not encourage such a practice. The dock is manned during all barge loadings and deliveries in order to rapidly detect and respond to any spills that may occur during transfer operations. This practice minimizes the volume of oil that could potentially be discharged in a failure during transfer operations and initiates rapid response to an oil release. Global is in compliance with USCG regulations and transfer operations. Emergency shut downs are located at the dock and throughout the terminal. Global is prepared to discuss best practices with the Department; but the implementation of any suggested additional measures would have to be reviewed, approved by and coordinated with the Coast Guard.

Secondary containment systems are provided at the dock and on barges to contain small operational spills that may occur during transfer activities.

25. Who designates the route of the barges?

The captain of the tugboat that is towing or pushing the barge determines the route of the barge based on a variety of factors including weather conditions,

navigational restrictions of the Hudson River and the capabilities of the applicable marine equipment.

26. Who has liability for damages during transport of the oil, and does Global maintain any insurance covering oil while it is in transit in rail cars?

Liability for damages during transport of the oil is established by both statutory and common law and the terms of the applicable rail transportation agreements.

With respect to crude oil being transported by Global for itself or for its 3rd party customers, and with respect to crude oil for which Global has otherwise taken title to prior to transport, Global maintains insurance of various types with varying levels of coverage that it considers adequate under the circumstances to cover its operations and properties. The insurance policies are subject to deductibles that Global considers reasonable and not excessive.

With respect to crude oil being transported by 3rd party customers or suppliers for their own account, or being transported by such parties for Global prior to Global taking title to such oil, any insurance will be maintained by such customers or suppliers.

Global also maintains financial assurance as required by the State Navigation Law as part of its MOSF License.

27. Please describe the scope and extent of any liability insurance that Global maintains for environmental harm?

Global maintains insurance of various types with varying levels of coverage that it considers adequate under the circumstances to cover its operations and properties. The insurance policies are subject to deductibles that Global considers reasonable and not excessive. Global also must maintain the insurance/financial assurance required by the State Navigation Law.

28. Is any other financial assurance mechanism in place covering damages from oil spills for which Global may be responsible?

Please see the above discussion with regard to Global's maintenance of insurance policies.

Mr. William Clarke
Regional Permit Administrator
May 15, 2014
Page 32

29. What additional financial assurance mechanism does Global consider potentially available to enable it to cover damages from oil spills?

Please see the above comments on the maintenance of insurance by Global and note that other parties against whom liability may be assessed are likely to have their own financial assurance mechanisms, including insurance, in place.

Thank you for your patience in allowing Global to provide this information in response to your March 24, 2014 request and, as noted above, Global is available to meet with the Department to discuss any remaining questions that you may have.

Yours truly,

A handwritten signature in black ink, appearing to read "Dean S. Sommer", is written over a horizontal line.

Dean S. Sommer

cc: Ed McTiernan, Esq.
Richard Ostrov, Esq.



APPENDIX E

**INFORMATION PROVIDED
TO THE PUBLIC BY DEC**



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

ENB Region 4 Completed Applications 11/27/2013

[Region 4 SEQR and Other Notices](#)

[Region 4 SPDES Renewals](#)

Albany County

Applicant:

Global Companies LLC
800 South St
Waltham, MA 02453

Facility:

Global Companies LLC - Albany Terminal
50 Church St - Port of Albany
Albany, NY 12202

Application ID:

4-0101-00112/00029

Permit(s) Applied for:

Article 19 Air Title V Facility

Project is Located:

Albany, Albany County

Project Description:

The Department has prepared a draft permit and has made a tentative determination to issue a modification to the facility's Title V Air Facility Permit to expand the capabilities at the Terminal to include the storage of heated petroleum products, including crude oil and biofuels. The heated petroleum products will be subject to the existing throughput caps in the Title V Permit; as a result, no increase to the Terminal's existing throughput caps are being requested. The products require heating to be pumped and will be heated to varying temperatures based on the viscosity of the product. The emissions from the heated petroleum products are lower than the emissions from the crude oil that is currently permitted for storage at the facility; therefore the facility's potential to emit (PTE) will not change as a result of this modification.

In accordance with 6NYCRR Parts 621.7(b)(9) and 201-6.3(c), the Administrator of the United States Environmental Protection Agency (USEPA) has the authority to bar issuance of any Title V Facility Permit

if it is determined not to be in compliance with applicable requirements of the Clean Air Act or 6NYCRR Part 201.

Persons wishing to inspect the subject Title V files, including the application with all relevant supporting materials, the draft permit, and all other materials available to the DEC (the "permitting authority") that are relevant to this permitting decision should contact the DEC representative listed below. The [Draft Permit and Permit Review Report](#) may be viewed and printed from the Department web site at: <http://www.dec.ny.gov/chemical/32249.html>.

DEC will evaluate the application and the comments received on it to determine whether to hold a public hearing. Comments and requests for a public hearing should be in writing and addressed to the Department representative listed below. A copy of the Department's [permit hearing procedures](#) is available upon request or on the Department web site at: <http://www.dec.ny.gov/permits/6234.html>.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination:

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was not performed.

SEQR Lead Agency: None Designated

State Historic Preservation Act (SHPA) Determination:

Cultural resource lists and map have been checked. No registered, eligible or inventoried archeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

Coastal Management:

This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.

Opportunity for Public Comment:

Comments on this project must be submitted in writing to the Contact Person no later than *Dec 27, 2013*.

Contact:

Karen M Gaidasz
NYSDEC Region 4 Headquarters
1130 North Westcott Rd
Schenectady, NY 12306
(518)357-2069
r4dep@gw.dec.state.ny.us



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

ENB Region 4 Completed Applications 12/31/2013

[Region 4 SEQR and Other Notices](#)

[Region 4 SPDES Renewals](#)

Albany County

Applicant:

Global Companies LLC
800 South St
Waltham, MA 02453

Facility:

Global Companies LLC - Albany Terminal
50 Church St - Port of Albany
Albany, NY 12202

Application ID:

4-0101-00112/00029

Permit(s) Applied for:

Article 19 Air Title V Facility

Project is Located:

Albany, Albany County

Project Description:

The Department has prepared a draft permit and has made a tentative determination to issue a modification to the facility's Title V Air Facility Permit to expand the capabilities at the Terminal to include the storage of heated petroleum products, including crude oil and biofuels. The heated petroleum products will be subject to the existing throughput caps in the Title V Permit; as a result, no increase to the Terminal's existing throughput caps are being requested. The products require heating to be pumped and will be heated to varying temperatures based on the viscosity of the product. The emissions from the heated petroleum products are lower than the emissions from the crude oil that is currently permitted for storage at the facility; therefore the facility's potential to emit (PTE) will not change as a result of this modification.

In accordance with 6NYCRR Parts 621.7(b)(9) and 201-6.3(c), the Administrator of the United States

Environmental Protection Agency (USEPA) has the authority to bar issuance of any Title V Facility Permit if it is determined not to be in compliance with applicable requirements of the Clean Air Act or 6NYCRR Part 201.

Persons wishing to inspect the subject Title V files, including the application with all relevant supporting materials, the draft permit, and all other materials available to the DEC (the "permitting authority") that are relevant to this permitting decision should contact the DEC representative listed below. The [Draft Permit and Permit Review Report](#) may be viewed and printed from the Department web site at:

<http://www.dec.ny.gov/chemical/32249.html>.

DEC will evaluate the application and the comments received on it to determine whether to hold a public hearing. Comments and requests for a public hearing should be in writing and addressed to the Department representative listed below. A copy of the Department's [permit hearing procedures](#) is available upon request or on the Department web site at: <http://www.dec.ny.gov/permits/6234.html>.

The public comment deadline for this application has been extended to January 31, 2014.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination:

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was not performed.

SEQR Lead Agency: None Designated

State Historic Preservation Act (SHPA) Determination:

Cultural resource lists and map have been checked. No registered, eligible or inventoried archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

Coastal Management:

This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.

Opportunity for Public Comment:

Comments on this project must be submitted in writing to the Contact Person no later than Jan 31, 2014.

Contact:

Karen M Gaidasz
NYSDEC Region 4 Headquarters
1130 North Westcott Rd
Schenectady, NY 12306
(518)357-2069
r4dep@gw.dec.state.ny.us



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

ENB Region 4 Completed Applications 01/29/2014

[Region 4 SEQR and Other Notices](#)

[Region 4 SPDES Renewals](#)

Albany County

Applicant:

Global Companies LLC
800 South St
Waltham, MA 02453

Facility:

Global Companies LLC - Albany Terminal
50 Church St - Port of Albany
Albany, NY 12202

Application ID:

4-0101-00112/00029

Permit(s) Applied for:

Article 19 Air Title V Facility

Project is Located:

Albany, Albany County

Project Description:

The Department has prepared a draft permit and has made a tentative determination to issue a modification to the facility's Title V Air Facility Permit to expand the capabilities at the Terminal to include the storage of heated petroleum products, including crude oil and biofuels. The heated petroleum products will be subject to the existing throughput caps in the Title V Permit; as a result, no increase to the Terminal's existing throughput caps are being requested. The products require heating to be pumped and will be heated to varying temperatures based on the viscosity of the product. The emissions from the heated petroleum products are lower than the emissions from the crude oil that is currently permitted for storage at the facility; therefore the facility's potential to emit (PTE) will not change as a result of this modification.

In accordance with 6NYCRR Parts 621.7(b)(9) and 201-6.3(c), the Administrator of the United States Environmental Protection Agency (USEPA) has the authority to bar issuance of any Title V Facility Permit

if it is determined not to be in compliance with applicable requirements of the Clean Air Act or 6NYCRR Part 201.

Persons wishing to inspect the subject Title V files, including the application with all relevant supporting materials, the draft permit, and all other materials available to the DEC (the "permitting authority") that are relevant to this permitting decision should contact the DEC representative listed below. The [Draft Permit and Permit Review Report](#) may be viewed and printed from the Department web site at: <http://www.dec.ny.gov/chemical/32249.html>.

DEC will evaluate the application and the comments received on it to determine whether to hold a public hearing. Comments and requests for a public hearing should be in writing and addressed to the Department representative listed below. A copy of the Department's [permit hearing procedures](#) is available upon request or on the Department web site at: <http://www.dec.ny.gov/permits/6234.html>.

Due to broad public interest in the activities at the Port of Albany, a Public Information Session will be held on Wednesday, February 12, 2014 at the Giffen Memorial Elementary School Auditorium located at 274 South Pearl Street in the City of Albany. The meeting will start at 6:00 pm. In addition, the public comment deadline for this application has been extended to April 2, 2014.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination:

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was not performed.

SEQR Lead Agency: None Designated

State Historic Preservation Act (SHPA) Determination:

Cultural resource lists and map have been checked. No registered, eligible or inventoried archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

Coastal Management:

This project is located in a Coastal Management area and is subject to the Waterfront Revitalization and Coastal Resources Act.

Opportunity for Public Comment:

Comments on this project must be submitted in writing to the Contact Person no later than *Apr 2, 2014*.

Contact:

Karen M Gaidasz

NYSDEC Region 4 Headquarters
1130 North Westcott Rd
Schenectady, NY 12306
(518)357-2069
r4dep@gw.dec.state.ny.us



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

ENB - Region 4 Notices 3/26/2014

Public Notice

Extension of Public Comment Period for Global Companies LLC - Albany Terminal

New York State Department of Environmental Conservation (NYS DEC) has prepared a draft permit and has made a tentative determination to issue a modification to the Global Companies LLC - Albany Terminal facility's Title V Air Facility Permit to expand the capabilities at the Terminal to include the storage of heated petroleum products, including crude oil and biofuels. The heated petroleum products will be subject to the existing throughput caps in the Title V Permit; as a result, no increase to the Terminal's existing throughput caps are being requested. The products require heating to be pumped and will be heated to varying temperatures based on the viscosity of the product. The emissions from the heated petroleum products are lower than the emissions from the crude oil that is currently permitted for storage at the facility; therefore the facility's potential to emit (PTE) will not change as a result of this modification.

In accordance with 6NYCRR Parts 621.7(b)(9) and 201-6.3(c), the Administrator of the United States Environmental Protection Agency (USEPA) has the authority to bar issuance of any Title V Facility Permit if it is determined not to be in compliance with applicable requirements of the Clean Air Act or 6NYCRR Part 201.

Persons wishing to review the [subject Title V files](#), including the application with all relevant supporting materials, the draft permit, and all other materials available to the NYS DEC (the permitting authority) that are relevant to this permitting decision should visit NYS DEC's web site at:
<http://www.dec.ny.gov/permits/95623.html>.

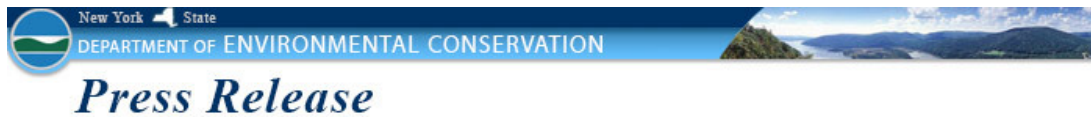
NYS DEC will evaluate the application and the comments received on it to determine whether to hold a public hearing. Comments and requests for a public hearing should be in writing and addressed to the NYS DEC representative listed below. A copy of the NYS DEC's [permit hearing procedures](#) is available upon request or on the NYS DEC web site at: <http://www.dec.ny.gov/permits/6234.html>.

In order to ensure the public has adequate opportunity to assist NYS DEC in its review, the public comment period has been extended an additional 60 days, to June 2, 2014.

Contact: Karen M Gaidasz, NYS DEC - Region 4 Office, 1130 North Westcott Road, Schenectady, NY 12306, Phone: (518)357-2069, E-mail: r4dep@gw.dec.state.ny.us.

DEC Extends Public Comment Period for Global Permit at Port Of Albany - A New NYSDEC Press Release

The New York State Department of Environmental Conservation sent this bulletin on 05/21/2014 04:28 PM EDT



You are subscribed to receive updates from DEC. Links to receive help or to change your preferences are provided [below](#). Having trouble viewing this email? [View it as a Web page](#).

Hello,
The NYS Department of Environmental Conservation has issued the following press release:

DEC Extends Public Comment Period for Global Permit at Port Of Albany

The state Department of Environmental Conservation (DEC) today extended the public comment period for the Global Companies permit application at the Port of Albany for an additional 60 days until August 1 due to broad public and community interest, the agency announced.

Global Companies submitted a permit application to modify its Air Title V Facility permit to allow the company to heat petroleum products, including crude oil, residual fuel and bio-fuels at its facility at the Port of Albany. The draft permit was listed in the January 29, 2014 Environmental Notice Bulletin. The storage, handling and transshipment of crude oil has become a growing concern following several out-of-state disasters, including one in Quebec that killed 47 people.

On March 24 DEC sought additional information from Global regarding the company's Port of Albany facility and permit modification that will help inform the decision-making process.

In response, Global has now provided some additional information, which is currently under review by DEC to determine whether it is complete. DEC will continue to work with community leaders to coordinate on any further requests deemed necessary to supplement the information Global provided. DEC will continue its dialogue with the community to ensure all questions are answered fully and objectively.

DEC's review under Title V of the Clean Air Act and the State Environmental Quality Review Act is ongoing. DEC will not make a final determination on pending permit applications until it has fully reviewed all issues and only after the impacted communities are provided meaningful opportunities to learn about and comment on the proposals. The extension of the comment period will enable members of the public to participate meaningfully in the process.

No other state in the nation has been as aggressive in pursuing action that will help to ensure the public and the environment are protected from accidents related to the transport of crude oil. Under Governor Cuomo's leadership, the state has taken aggressive steps to safeguard our residents and communities from the risks associated with shipments of crude oil by rail, barge and boat.

Just weeks ago, Governor Cuomo urged President Obama to take immediate federal action to replace outdated and dangerous crude oil tank cars. The Governor also sent the President the State's comprehensive crude oil transportation report, which was recently completed in accordance with an executive order issued by the Governor in January. The report, which was put together by five State agencies, details ten critical federal recommendations and presents a package of state administrative, regulatory and legislative actions related to the transportation of crude oil. Shortly after the Governor's letter to the President, yet another crude oil train derailed and exploded in Lexington, VA, underscoring the urgency of the Governor's call to action.

In addition, DEC will continue to work with community leaders to implement community air screen monitoring near the Port to measure pollutant levels. This initial screening will determine a baseline of current air quality conditions and will help to determine if further sampling or enhanced inspections of Port of Albany facilities are necessary.

The community air screening plan (PDF, 1.7 MB) will use sampling equipment to measure volatile organic compounds (VOCs), which are chemicals emitted as gases from certain solids or liquids. VOCs are constituents of crude oil, as well as other sources which are present in the area.

The air screen samplers to be used in the South End are the same sampling canisters used in DEC's statewide air toxics monitoring network. The samplers will be located at three fixed, residential locations in the Albany South End neighborhood and will be collected once a week during the month of May. The community is employing a fourth sampler to use at its discretion each week in May.

Comments on the permit can be submitted to DEC by August 1 via email to r4dep@gw.dec.state.ny.us or mailed to the contact below.

Karen M Gaidasz
NYSDEC Region 4 Headquarters
1130 North Westcott Rd
Schenectady, NY 12306

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New York State Department of Environmental Conservation

Andrew M. Cuomo, Governor

Joe Martens, Commissioner

NYS DEC
625 Broadway
Albany, NY 12233-1016
www.dec.ny.gov

FACT SHEET: GLOBAL COMPANIES, LLC ALBANY TERMINAL TANK CONVERSION/ BOILER INSTALLATION

The Global Companies, LLC (Global) Albany Terminal is an existing stationary bulk petroleum storage and transfer terminal located within the Port of Albany along the Hudson River. The Albany Terminal has been operating since the 1920s and Global has operated the facility since 2007. The facility consists of several above ground petroleum storage tanks and truck and marine loading positions for storage and distribution of various petroleum products (i.e. gasoline, ethanol, distillate, butane, additive and crude oil). The Albany Terminal is located adjacent to the Kenwood Yard rail facility. Kenwood Yard was previously used as an intermodal tractor trailer truck shipping and transfer facility before being converted by Global for ethanol delivery to the terminal in 2009.

Governor Cuomo Executive Order/Letter to Federal Officials

On January 28, 2014, Governor Andrew M. Cuomo issued an executive order directing several State agencies to do a top-to-bottom review of safety procedures and emergency response preparedness related to rail and water shipments of volatile crude oil from the Bakken oil fields in North Dakota, Montana and Canada.

[Executive Order #125](#) directs the NYS Departments of Environmental Conservation (DEC), Transportation, and Health, the Division of Homeland Security and Emergency Services, and the New York State Energy Research and Development Authority, in consultation with federal authorities, to conduct an extensive assessment of the State's prevention and response rules and inspection programs involving the transportation of petroleum products by rail and water.

The state agencies will report to the Governor by April 30, 2014 summarizing the State's existing capacity to prevent and respond to accidents involving the shipment of crude oil by rail, ship and barge, including the role that the local governments across the State have in protecting their communities; whether any statutory or regulatory changes are needed to increase safety; and how to enhance coordination with federal agencies to improve the State's capacity to prevent and respond to such accidents.

At the Governor's direction, DEC and the other state agencies also sent a letter to federal officials specifically requesting:

- Revised design specifications of certain railcars to minimize the release of crude oil and other hazardous materials in the event of an accident;
- Aggressive phase-out of certain tank cars that cannot be retrofitted;
- More stringent standards to test the properties of crude oil being shipped by rail;
- Amendments to federal standards for flammable liquids to include new combustible liquids such as Bakken crude oil; and
- Review of the routing of crude oil trains to ensure they are the most appropriate.

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The State also is requesting that the U.S. Coast Guard adopt certain safety precautions to ensure that facilities and vessels safely transfer the Bakken crude oil from railcars to ships and barges. These protocols would require that equipment, procedures and pre-arranged spills agreements be in place in specific locations, which must be approved by the U.S. Coast Guard, for rapid and effective response to any incidents, including pre-deployed assets all along the Hudson River in order to ensure emergency responders can immediately initiate clean up operations.

Governmental Jurisdiction

The facility operates under a DEC Air Title V Facility permit; a Major Oil Storage Facility license, which includes a Spill Prevention, Control and Countermeasure (SPCC) plan and Bulk Storage tank requirements; and an Industrial Stormwater State Pollutant Discharge Elimination System permit. DEC also has jurisdiction through Article 12 of the NYS Navigation Law whose legislative intent is to protect and preserve the lands and waters of NYS from petroleum releases.

Federal rail regulatory agencies exclusively govern rail transportation and rail transport equipment.

Recent History

In 2011, Global was authorized to store crude oil in their existing petroleum storage tanks and to load crude oil at the marine loading rack. In November 2012, after a DEC review including public notice and a public comment period, Global was permitted to use its existing capacity to increase throughput of gasoline, ethanol and crude oil from a combined limit of 450 million gallons per year to a limit of 1.8 billion gallons per year of crude oil.

The 2012 modification also called for the reconfiguration of rail tracks to facilitate off-loading of distillate product and to allow for secondary containment, pumps and piping.

Environmental Controls

The Global facility at the Port of Albany operates under numerous air, water and petroleum storage regulations designed to protect public health and the environment. This includes the control of volatile organic compound emissions through vapor recovery equipment at all truck, rail and marine barge/tanker transfer points as well as on the storage tanks themselves via internal floating roofs that minimize liquid petroleum evaporation. Under state and federal requirements the facility must also have a spill containment, control and countermeasures plan, which covers all rail, truck and marine barge/tanker transfer operations and product storage. Storage tanks must also meet bulk tank storage standards which govern tank strength and integrity, and which require periodic hydrostatic leak testing using water. Secondary containment for storage tanks is also required at the facility. Stormwater requirements include collection and treatment systems implemented through best management practices.

How Air Emissions are Controlled at Global's Facility

Gasoline and ethanol air emissions at both the marine and rail loading areas are controlled by vapor combustion units. The gasoline/ethanol truck loading operation is controlled with a vapor assist and a vapor recovery unit. The crude oil from the terminal facility is loaded into vessels, and the air displaced during the loading process is routed to another vapor combustion unit. Also, the crude, gasoline and ethanol that are unloaded and piped into the terminal are stored in tanks that are equipped with internal floating roofs to minimize emissions and odors.

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Global's Current Permit Modification Application

The current permit application by Global is for a modification of the Air Title V permit to allow the company's oil handling capabilities at the terminal to include heated petroleum products (crude, residual fuel and bio-fuels). It would not involve an expansion of the storage capacity of the facility. In fact, there would be a net reduction of 50 million gallons of crude oil allowed to pass through the Global facility under this draft permit.

Specifically, the modification seeks the following:

- Reconfiguration of the existing Kenwood Yard rail facility to allow for the off loading of heated petroleum products;
- Conversion of Tank 33, which currently stores distillate oil, to volatile petroleum product storage (crude oil, gasoline, ethanol);
- Conversion of tank 118 to distillate service and taken out of gasoline, crude and ethanol service;
- Installation of seven new boilers that will heat viscous petroleum products. Three of the boilers are exempt from permitting per 6NYCRR 201-3.2(1)(i) because they are rated less than 10 million British thermal units per hour (MMbtu/hr) and four of the boilers are rated at 13 MMBtu/hr and therefore are subject to permitting.

The petroleum products would be heated inside rail tank cars to varying temperatures based on the thickness of the product so it can be pumped. The facility's potential to emit volatile organic compounds would not change as a result of this modification.

The modification would not involve any increase in the amount of crude oil allowed to pass through the facility. In fact, under the proposed permit modification, the maximum amount of crude oil that would be allowed to pass through the facility will be reduced by 50 million gallons per year, from 1.8 billion gallons to 1.75 billion gallons, in order to offset the increase of emissions from the conversion of Tank 33.

The proposed permit maintains rail throughput for ethanol/gasoline at 150 million gallons per year, maintains cargo truck rack throughput for gasoline/ethanol at 639 million gallons per year, maintains marine loading of gasoline/ethanol at 450 million gallons per year, and maintains distillate loading via rail, truck and marine at 229 million gallons per year.

Application History and Status

- June 12, 2013 - Application for the Air Title V Facility permit modification received by DEC
- November 21, 2013 – DEC issued State Environmental Quality Review Act (SEQR) Negative Declaration, Notice of Complete Application (http://www.dec.ny.gov/enb/20131231_reg4.html#Global_Companies_LLC) and Draft Air Title V Facility Permit (http://www.dec.ny.gov/dardata/boss/afs/permits/401010011200029_r2_5.pdf)
- February 12, 2014 – Public Information Meeting, Giffen Memorial Elementary School
- April 2, 2014 – Public Comment Period Ends

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Other Agencies with Jurisdiction

Federal rail regulatory agencies exclusively govern rail transportation and rail transport equipment. By virtue of federal law and a long history of court decisions interpreting those authorities, states do not have jurisdictional authority or control over the transport of petroleum or other products by rail. The U.S. Coast Guard governs marine vessels and has jurisdiction pertaining to spill response and containment on the Hudson River. The EPA regulates activities under the Clean Air Act and handles federally-mandated Risk Management Plans. The Albany Fire Department exercises jurisdiction over fire safety issues at the Global facility.

How can I stay informed?

DEC requested and Global has agreed to implement a public outreach plan to engage the environmental justice community and residents surrounding Global's facility. Public comments can be submitted until April 2, 2014 at r4dep@gw.dec.state.ny.us and DEC held a public information session on February 12. In addition, through GovDelivery, you can sign up to be notified when DEC's webpage is updated at <https://public.govdelivery.com/accounts/NYSDEC/subscriber/new>. Information will also be available in the community at the John A. Howe branch of the Albany Public Library at 105 Schuyler St., Albany and at DEC's Central Office at 625 Broadway, Albany.

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FREQUENTLY ASKED QUESTIONS

What is the notification procedure if there is a leak at a Major Oil Storage Facility (MOSF)?

State law requires the responsible party to notify DEC within two hours of any petroleum discharge. Notification is made by calling the NYS Oil Spill Hotline at 1-800-457-7362.

What is the preparedness plan in case of emergency at a Global facility? How will residents be notified?

The safety of all New Yorkers is DEC's highest priority and state and local responders train vigorously for hazmat-related emergencies, including railcar incidents involving crude oil and ethanol. Global has developed a Facility Response Plan, an Emergency Response Plan and a Spill Prevention, Control and Countermeasure Plan, all of which must be approved by certain federal agencies. Typically, emergency response plans detail specific procedures to be followed in the event of an emergency, such as notification procedures, evacuation procedures and the identification of available resources to address different types of emergencies.

The public would be notified of major releases by first responders, if warranted, or through local media.

In the case of a spill or other emergency at the port of Albany, the first Global employee to discover or be notified of the incident must instruct personnel in the area to immediately prepare for emergency response activities. He must then notify 1) the fire and police departments; 2) a qualified individual or his alternate and advise the nature of the incident; and 3) the Terminal Manager. The Terminal Manager or his designee will determine which agencies, organizations and individuals are to be notified depending upon the nature of the emergency. Concurrent with these external notifications, facility personnel and the primary spill response contractor would be called to report to the terminal.

The following topics are included in the facility's response plan:

- Facility Information
- Emergency Notification Procedure and Phone List
- Spill Response Notification Form
- Emergency Response Personnel
- Equipment List
- Evacuation Plan
- Spill Response Plan
- Facility Diagrams and Maps

What would the estimated clean up costs be, and who would be responsible for paying for the clean up in the event of an oil spill? Will a mitigation fund be made available?

Clean up costs are highly variable and depend on several factors, including the volume of material spilled, the type of environmental material impacted and the physical properties of the material spilled. The parties responsible under state and federal law for the spill would be held liable for the clean-up and restoration costs and natural resource damages associated with any spill. If the responsible party is unwilling or unable to perform the necessary clean up, the state and federal governments will cooperatively work to arrange for an expeditious clean up using the state's Oil Spill Fund, which is set up for this type of clean-up response. Subsequent legal actions to recover the clean-up costs would also include an assessment for any natural resource damages and any associated penalties deemed appropriate.

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How has DEC made the public aware of the proposed changes to Global's facility?

DEC requested and Global has agreed to implement a public outreach plan to engage the community and residents surrounding Global's facility. In response to public concern, DEC extended the public comment period until April 2 and held a public informational meeting on February. 12. This meeting will provide an overview of the permit and its impact.

DEC welcomes the public's feedback on the draft permit, and all comments will be carefully considered before making a final determination on the permit modification.

DEC has followed the public notice and comment requirements as established under the State Environmental Quality Review Act (SEQR) and the Uniform Procedures Act for this type of air permit modification.

What is the current air quality status of the area?

DEC operates an air quality monitoring network throughout New York State. A monitor is located at the Albany County DOH building on Ferry and Green Streets. Data from that monitor, as well as data from the other monitors in the Capital Region, show the entire area meets the ambient air quality standards as set by EPA.

Has DEC looked at the possibility of disruption from other invasive projects such as pipelines and underwater/ground power lines?

Pipelines and power line changes are not proposed as part of this project.

Who is Global Partners and why did they pick the Capital Region and this neighborhood?

Global Partners is a Massachusetts-based company that purchased the Port of Albany Major Oil Storage Facility from Exxon-Mobil in 2007. This facility has been at its current location since the 1920s.

What are the proposed routes and where do they originate?

The two primary rail companies that deliver crude to the Port of Albany are Canadian Pacific Railroad and CSX rail. CSX rail cars can originate in the midwestern U.S. or Canada, travel east through the U.S., enter New York State south of Buffalo and travel along the NYS Thruway corridor to the Port of Albany.

For information about specific CSX rail routes please see the following website:

<http://www.csxcrudebyrail.com/index.cfm/resources/crude-oil-network-map/>

Canadian Pacific (CP) rail cars can originate in the Midwestern US or Canada and travel through Canada and enter New York State near Lake Champlain and travel south to the Port of Albany.

For information about specific CP rail routes please see the following websites:

<http://www.cpr.ca/en/our-network-and-facilities/Pages/default.aspx> and

<http://www.cpr.ca/en/ship-with-cp/where-you-can-ship/bakken-shale/Pages/default.aspx>

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What are the exact locations of the heating facilities?

See site map below with the locations of the proposed boilers identified.



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ANDREW M. CUOMO
GOVERNOR



JOE MARTENS
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

March 5, 2014

DEC Responses to Community Questions & Requests Regarding Global Companies Plan to Heat Crude Oil at the Port of Albany

The state Department of Environmental Conservation is considering a permit application by Global Companies to modify its air permit under the DEC Title V air program. This permit modification would allow the company to heat petroleum products (crude oil, residual fuel and bio-fuels) with seven new boilers.

As part of that process, DEC is committed to engaging in a dialogue with the community in the vicinity of Global's operations. On Feb. 12, DEC met with community leaders and held a public meeting to listen to the community's concerns with Global's proposal. DEC is requiring Global to implement an enhanced public outreach plan consistent with our agency's Environmental Justice policy. No final decisions will be made until we complete this enhanced community involvement process, and all matters pertaining to Global's operations in New York State are under review.

Community leaders wrote Commissioner Martens on Feb. 5 requesting the Department to provide answers to the following questions. We look forward to continuing the dialogue with the community, including providing additional information going forward.

Executive Order 125

On Jan. 28, Governor Cuomo issued an Executive Order directing several State agencies to do a top-to-bottom review of safety procedures and emergency response preparedness related to rail and water shipments of crude oil. Governor Cuomo's Executive Order 125 directs DEC, the Department of Transportation, the Division of Homeland Security and Emergency Services, the Department of Health, and the New York State Energy Research and Development Authority to take action to strengthen the State's oversight of shipments of petroleum products.

In response, these agency commissioners sent a letter to several federal agencies urging new federal regulations regarding rail transportation to help protect New York communities.

By April 30, DEC and the other State agencies must send the Governor a report summarizing the State's existing capacity to prevent and respond to accidents involving

the transportation of crude oil and other petroleum products by rail, ship, and barge.

On March 4, Governor Cuomo also sent a letter to U.S. Transportation Secretary Foxx and Homeland Security Secretary Johnson urging federal officials to expedite and strengthen rail safety standards, require reporting by railroad companies of derailments, increase inspections and require railroads to more clearly identify and track rail cars carrying crude oil.

Oil Heating Facility & Oil Transport

1. What city agency is responsible for this issue (Global Companies' proposal to build a heating facility)?

The City of Albany has indicated that the proposed boiler facility will require a building permit from the City's Department of Buildings & Regulatory Compliance and may also require Site Plan Approval from the City of Albany Planning Board, depending on the size of the proposed building. Please reach out to the City of Albany for further clarification.

2. How are tanks labeled?

All train cars are labeled in accordance with U.S. Department of Transportation (USDOT) labeling requirements, with specific numbers and symbols that indicate what substance is onboard and its characteristics so first responders know if the material is flammable or possesses some other hazardous characteristics. In addition, each train carries documentation of the contents of the material in each tank car.

In order to improve labeling, Governor Cuomo wrote the Secretary of the U.S. Department of Transportation on March 4th, urging him to require all railroads to add additional identifiers to tank car placards so that local first responders understand the type of crude oil being transported.

Storage tanks within the Global facility are labeled to indicate their contents and the hazards presented by the material stored.

3. How do you increase the amount of oil transported without an increase in train cars?

This question is apparently about the accuracy of information Global provided DEC in 2012. The company correctly indicated at that time that rail traffic under its proposal would be unchanged from 2011 when CP Rail still operated its intermodal facility at the Port of Albany. Compared to 2011, there was in fact not a significant increase in train cars, as the company indicated.

In addition, Global indicated truck traffic would decrease by 25,000 trucks per year.

Because DEC does not regulate the transport of crude oil or other materials, DEC does not ask for information regarding the proposed number of rail tanker cars that may be used. DEC does consider the "throughput" of crude oil that passes through a facility as

one factor in determining whether air quality will be impaired by a proposed change in operations.

4. What type of “train cars” will be heated?

Some rail tanker cars are equipped with coils that allow the contents to be heated. Some petroleum products are thick, which is described as having “high viscosity”, and need to be heated for handling purposes. Those products are transported in heated tanker cars.

Products that need heating in order to be removed from the cars must also be stored in heated tanks at the terminal.

5. Where are the trains originating?

Trains can originate in a number of western states (North Dakota, South Dakota, Wyoming, Colorado and Utah) or Canada.

6. What is the proposed route in/out of Albany?

The two primary rail companies that deliver crude to the Port of Albany are Canadian Pacific Railroad and CSX rail. CSX rail cars originate in the Midwestern U.S. or Canada, traveling east and entering New York State south of Buffalo, and then travel along the NYS Thruway corridor to the Port of Albany.

For information about specific CSX rail routes please see the following website:

<http://www.csxcrudebyrail.com/index.cfm/resources/crude-oil-network-map/>

Canadian Pacific (CP) rail cars originate in the Midwestern U.S. or Canada and travel through Canada, and then enter New York State near Lake Champlain and travel south to the Port of Albany.

For information about specific CP rail routes, please see the following websites:

<http://www.cpr.ca/en/our-network-and-facilities/Pages/default.aspx> and
<http://www.cpr.ca/en/ship-with-cp/where-you-can-ship/bakken-shale/Pages/default.aspx>

7. What is “tar sands”?

Tar sands, sometimes called oil sands, are loose sand or partially consolidated sandstone containing naturally occurring mixtures of sand, clay and water, saturated with a dense and extremely thick form of petroleum technically referred to as bitumen. Tar sands crude oil is petroleum that is extracted from this type of sand or rock.

We are not aware of tar sands crude oil being shipped through the Port of Albany or elsewhere in the State.

8. What is in crude oil?

Crude oil is unrefined petroleum, in the form of a naturally occurring, yellow-to-black liquid found in geologic formations beneath the Earth's surface. Crude oil is commonly refined into various types of fuels such as gasoline and fuel oil. Compounds found in

crude oil typically include: Benzene, Hydrogen sulfide, Ethyl benzene, Toluene, Xylene, Naphthalene, Methylnaphthalene, and Generic alkanes (including octane, hexane, nonane).

For more information about these compounds see:

http://www.bt.cdc.gov/gulfoilspill2010/pdf/chemical_constituents_table.pdf

9. Is “tar sands” the reason this facility is being built?

The application is to allow Global to install boilers so it can heat petroleum products (crude, residual fuel and biofuels). Several forms of petroleum must be heated to make them less viscous and enable them to be pumped. Examples include No. 6 fuel oil (used in large buildings), heavy crude oils (including but not limited to tar sands crude oil), some biofuels (e.g., pure biodiesel), and asphalt. Because tar sands oil is one of the products whose handling properties are improved by heating, the installation of the boilers would facilitate Global's processing of tar sands oil. What is important is the nature of the material, not where it came from..

10. Why is this process being planned here? Why do we have to take the risk?

The Port of Albany has long been a major port for the shipment of materials by barge, ship and rail, including petroleum. The Port of Albany has been at its current location since the 1930s, before most of the surrounding residences were built.

There are large facilities in place in the Port for the storage of petroleum, and refined products have been received for years at the port by barge, ship and rail for distribution throughout the Northeast. The truck terminals at these facilities are some of the busiest in this region.

Global acquired the Port of Albany facility in 2007 from Exxon/Mobil. Historically, the facility received fuel deliveries by barges operating on the Hudson River. Gasoline, kerosene, diesel and fuel oil were all distributed by truck locally. The facility also loaded railroad tank cars bound for another facility in Burlington, Vermont.

The rail access in Albany led Global to enter the ethanol business, which is mainly manufactured in Iowa. The ethanol arrives by rail tank car and is stored in tanks at the facility. The ethanol is blended with gasoline and loaded into trucks for local delivery, into rail cars bound for Burlington, and, more recently, onto barges for shipment down the Hudson River. Global entered the crude oil business in 2011.

The capacity of the railroads to ship crude oil is limited, so the ability to ship by other means is important to the industry. Because the petroleum infrastructure exists in the Port of Albany, along with a major rail freight facility, the port was identified by shippers as an area that could be used to receive crude oil from the Midwest. The crude could then be shipped from the existing rail facility to the storage facilities and then to ships.

As an inland port accessible to ocean-going vessels, there is a great deal of flexibility as to where the crude can be shipped from Albany. Currently, the crude travels by ship to

refineries in New Brunswick, Canada, Northern New Jersey and along the Delaware River. The use of barges and ships allows the crude to be shipped in large quantities anywhere on the east coast where there is refinery capacity.

11. Why are banned chemicals being used in this process?

DEC is not aware of any substances being used illegally or banned chemicals at the port.

12. What is the comprehensive plan of Global at the Port 2-5 years out?

Global is not required by regulations to provide a comprehensive plan covering that period of time. If Global files additional applications with DEC, the agency will inform the public through a public participation and comment process, and will be expected to utilize procedures that comply with the Commissioner's Policy on environmental justice.. We would invite you to reach out to Global for more information on the company's future plans.

13. Are there currently heating facilities at the port and elsewhere in the city?

The Port of Albany does not currently have any boilers used to heat crude oil. The Buckeye facility at the Port of Albany has a boiler to heat asphalt. Similar boilers are very commonplace throughout the Capital Region and are used in commercial and industrial establishments, such as hospitals and schools.

14. Who is responsible for the cleanup in the event of a spill?

DEC, together with the U.S. Coast Guard and EPA, oversees all cleanups, in cooperation with local agencies. The Coast Guard's responsibility is for spills in the river. However, the responsible party is legally obligated to clean up spills and to pay for any DEC cleanup costs. DEC will ensure a prompt cleanup in the event a responsible party cannot be immediately determined. Subsequent legal actions to recover the clean-up costs would also include an assessment for any natural resource damages and any associated penalties deemed appropriate.

The safety of all New Yorkers is DEC's highest priority and state and local responders train vigorously for hazmat-related emergencies, including railcar incidents involving crude oil and ethanol. Global has developed a Facility Response Plan, an Emergency Response Plan and a Spill Prevention, Control and Countermeasure Plan, all of which must be approved by federal agencies. Typically, emergency response plans detail specific procedures to be followed in the event of an emergency, such as notification procedures, evacuation procedures and the identification of available resources to address different types of emergencies. The public would be notified of major releases by first responders, if warranted, or through local media.

15. Have there been any oil spills in our area?

Every year, DEC receives thousands of spill reports throughout the state, including in the Capital Region, which by law must be reported to DEC within two hours. About 90 percent of these releases involve petroleum products. Many of these reports are releases of small quantities, typically a few gallons, which are contained and cleaned up

quickly with little damage to the environment. Both immediate response and continued cleanup vary depending on the type of material spilled and the damage caused.

The last significant spill at the Global facility in the Port of Albany was in November 2011, when an estimated 28,000 gallons of kerosene spilled from a tank due to a weld failure on a tank sump. The spilled material impacted the groundwater, but all contamination was contained on site. Global continues to monitor the groundwater and collect contaminants from several recovery wells that were installed as a result of this spill.

Community

1. Where is the public participation plan?

Global is currently developing the plan. However, many aspects of the enhanced public outreach are already being implemented, including a public meeting and the placement of supplemental facility information on DEC's website and at two local document repositories at the following locations:

John A. Howe Branch Library, 105 Schuyler St, Albany, 518-472-9485

NYS Department of Environmental Conservation Office, 625 Broadway, Albany, 518-402-8044.

2. Why didn't the port/NTSB contact the community?

This question should be directed to the port and/or the NTSB.

3. Why the lack of transparency and "sneak attack" on the community?

DEC followed the public notice and comment requirements as established under the State Environmental Quality Review Act (SEQR) and the Uniform Procedures Act for this type of air permit modification for both the current proposal and the 2012 air permit modification. DEC welcomes the public's feedback on the pending draft permit, and all comments will be carefully considered before making a final determination on the permit modification.

DEC has now acted under its Environmental Justice Policy to require an enhanced public participation process to inform the Department as we review the negative declaration of significance.

4. Why wasn't the community involved in safety discussions?

The number and type of rail tanker cars that move through the facility is not subject to DEC regulation. Rail traffic levels and rail car design are solely regulated by the federal government, and rail safety does not fall under DEC's permitting jurisdiction.

DEC's permit jurisdiction is limited by state and Federal law and regulations to regulating the emissions from rail, truck and marine transfer facilities and to regulating

storage tanks. The approval of safety plans for storage facilities like Global's is the responsibility of the U.S. Environmental Protection Agency and the U.S. Coast Guard.

DEC determined that both the current proposed air permit modification and the 2012 air permit modification would not have significant negative air quality impacts or other environmental impacts under state law. DEC followed the public notice and comment requirements as established under the State Environmental Quality Review Act (SEQR) and the Uniform Procedures Act for both the current boiler proposal and the 2012 permit modification.

However, as a result of comments received during the public comment period on the current boiler application, the following actions have been taken to improve communication:

- The public comment period was extended.
- A public meeting was held to receive public comment and answer questions on a variety of federal, state and local issues.
- Global is preparing an enhanced public participation plan which will further facilitate a public dialogue.

5. Will DEC/Global Companies invest in sustainable communities?

DEC will work with Global and the community in developing ideas for sustainability programs. Global should be contacted directly for information regarding sustainability programs it may have.

6. What is the size of the “impacted” community (# of residences, businesses, and students attending local universities)?

The rail lines in the State span approximately 3,500 miles, and any community located along or in close proximity to those lines could be potentially impacted by an accident involving a train. The extent of the impact from such an accident would be dependent on a number of factors. Federal agencies are responsible for regulating the transport of materials by rail and ensuring safety of rail transport.

To address the increased concern about the transport of crude oil by train throughout New York State, the NYS Department of Transportation recently undertook a joint inspection effort with its federal counterparts at the Federal Railroad Administration. Upon announcing the results of those inspections, the Administration committed to a sustained inspection effort and has reached out to federal authorities seeking additional federal inspectors for New York State.

DEC regulates major oil storage facilities, which are defined as petroleum storage facilities with a total capacity of 400,000 gallons or greater. DEC issues licenses to facilities that meet DEC and EPA requirements. If an accident occurred in the Global facility in the Port of Albany, the number of residences, businesses, and students (if any) that might be affected would depend on many factors.

DEC's regulations of facilities like Global's are intended to minimize hazards and protect the public and the environment. This applies to the storage of a variety of materials, including gasoline, which has been stored at the Global facility for years. Gasoline is highly flammable. In that respect, it is similar to crude oil originating in the Bakken area. The technical measure of the likelihood of an explosion or combustion is flash point and explosive range. The flash point is the temperature at which a material gives off enough vapor to ignite if there is a spark. The lower explosive limit and upper explosive limit indicate the range of air mixed with a material that will allow combustion. As a comparison, when an engine is flooded, the percentage of gasoline present is too rich to allow ignition. For combustion to occur, there must be an air mixture within the LEL to UEL range, the air temperature must reach the flash point temperature and there must be a spark.

A chart comparing various relevant materials in these terms follows:

Relative Fire Hazards

	Flash Point		Explosive Range
	Celsius	Fahrenheit	LEL - UEL*
Gasoline	-65°C	- 50° F	1.2 - 7.1 %
Ethanol	16.6°C	62° F	3.3 - 19.0 %
#2 fuel oil/Diesel	38°C	100° F	0.6 - 7.5 %
Bakken Crude	-35°C	-31° F	0.8 - 8 %
#4/6 Fuel Oil	51 - 115° C	142 - 240° F	N/A
Tar Sands Oil	166°C	331° F	2 - 7 %

* LEL is the lower explosive limit; UEL is the upper explosive limit.

The storage capacity of these different products at the Global facility has varied over time, as indicated below. However, gasoline has been stored in large volumes for many years.

2014 Total Capacities By Product In Gallons

<u>Gasoline</u>	<u>Ethanol</u>	<u>Used oil</u>	<u>Diesel</u>	<u>#2 oil</u>	<u>Crude Oil</u>	<u>Kerosene</u>	<u>All Products</u>
<u>16,331,949</u>	<u>7,492,834</u>	<u>1,512,696</u>	<u>8,154,946</u>	<u>8,257,200</u>	<u>11,944,941</u>	<u>4,137,643</u>	<u>57,832,209</u>

2010 Total Capacities By Product In Gallons

<u>Gasoline</u>	<u>Ethanol</u>	<u>Used oil</u>	<u>Diesel</u>	<u>#2 oil</u>	<u>Crude Oil</u>	<u>Kerosene</u>	<u>- All Products</u>
<u>12,444,044</u>	<u>1,640,922</u>	<u>1,512,696</u>	<u>3,887,905</u>	<u>18,138,489</u>	<u>0</u>	<u>4,137,643</u>	<u>41,761,699</u>

1991 Total Capacities By Product In Gallons

<u>Gasoline</u>	<u>Ethanol</u>	<u>Used oil</u>	<u>Diesel</u>	<u>#2 oil</u>	<u>Crude Oil</u>	<u>Kerosene</u>	<u>- All Products</u>
<u>20,630,400</u>				<u>67,456,200</u>			<u>88,086,600</u>

1988 Total Capacities By Product In Gallons

<u>Gasoline</u>	<u>Ethanol</u>	<u>Used oil</u>	<u>Diesel</u>	<u>#2 oil</u>	<u>Crude Oil</u>	<u>Kerosene</u>	<u>- All Products</u>
<u>16,197,006</u>		<u>688,800</u>	<u>83,160</u>	<u>62,164,200</u>		<u>4,166,400</u>	<u>83,299,566</u>

1986 Total Capacities By Product In Gallons

<u>Gasoline</u>	<u>Ethanol</u>	<u>Used oil</u>	<u>Diesel</u>	<u>#2 oil</u>	<u>Crude Oil</u>	<u>Kerosene</u>	<u>- All Products</u>
<u>16,191,000</u>		<u>688,800</u>	<u>1,586,592</u>	<u>64,972,278</u>		<u>5,927,670</u>	<u>89,366,340</u>

7. Will Bethlehem/Selkirk communities be impacted?

The permit modification before DEC is not expected to have any negative environmental impacts on these two communities.

8. How are we protecting historic resources (Cherry Hill, Schuyler Mansion, etc.)?

The permit modification before DEC is not expected to have any negative environmental impacts on local historic resources.

9. What about the children?

DEC is concerned about the health and well being of children and all other New Yorkers. As such, every permit that DEC issues considers public health as well as the environment in all areas over which the agency has jurisdiction. In addition, response plans must address protection of all members of the public, including children.

10. Are the hospitals at risk?

Local hospitals are not at risk from actions being proposed under Global's current draft air permit modification.

Environment

1. Why has no environmental impact statement been conducted (EIS)?

DEC determined that the air emissions from the proposed boilers would be minimal. In fact, the amount of crude oil allowed to pass through the facility would be reduced by 50 million gallons per year if Global's application is approved. However, DEC is reviewing the determination that an EIS was not required.

One factor considered in reaching that conclusion was that DEC has no jurisdiction to regulate rail transport. Therefore, DEC could not conduct an environmental review of that aspect of the Global plans. In addition, the negative declaration initially concluded that other aspects of the proposed changes in the operation of the Global facility did not pose a significant adverse impact on the environment or public health, that there would not be an adverse environmental impact from approving the air permit modification and that no EIS was required. However, that decision is under review, and no final decision regarding the negative declaration or the application for a permit modification will be made until the community outreach process has been completed.

2. How does this proposal impact other communities up/down the river?

Global's current draft air permit modification will not impact other communities on the river. However, there are rail transport issues which do affect many other communities. Executive Order 125 addresses some of the important rail transport issues by calling upon the federal agencies with authority to make rail transport safer to do everything in their power to avoid those potential impacts. Please note that the pending permit applications relates strictly to operations at the Port of Albany as it relates to air emissions from proposed boilers.

3. Why is this not considered an Environmental Justice issue?

Although DEC determined that there would not be a significant impact on the community, as indicated above, DEC is requiring Global to implement an enhanced Public Outreach plan consistent with DEC's Environmental Justice policy. We received a first draft of an outreach plan from Global, but we expect them to make significant improvements in the plan.

4. What is the impact of an oil spill on land, drinking water and the Hudson River?

The impact of any particular spill is highly dependent on several factors, including the volume of material spilled, the type of environmental resources involved and the physical properties of the material spilled. Therefore, it is not possible to identify in advance the particular land or river resources that could be affected by a spill. If river resources are affected, the U.S. Coast Guard would play a key role in any response. Groundwater at or near the Global facility is not used for drinking water.

DEC's goal is always to prevent and to mitigate potential impacts to human health and the environment regardless of the type of spill or its volume.

The Global facility at the Port of Albany operates under numerous air, water and petroleum storage regulations designed to protect public health and the environment. Under state and federal requirements, the facility must have a spill containment, control and countermeasures plan, which covers all rail, truck and marine barge/tanker transfer operations and product storage. Storage tanks must also meet bulk tank storage standards that govern tank strength and integrity, and which require periodic leak testing using water. Secondary containment for storage tanks is also required at the facility.

Recently, DEC, the U.S. Coast Guard and local responders conducted a drill in the Hudson River to add to the effectiveness of future responses to oil spills.

5. How has existing oil stored at Albany's port impacted the environment?

Large industrial facilities occasionally have spills, usually small, and Port of Albany facilities are not an exception. As mentioned above, the Global facility experienced a spill of kerosene in 2011 that impacted groundwater but was contained onsite. Air emissions from the Global facility have been in compliance with the company's permit and have not had any significant adverse impacts on the environment.

Public Health

1. What is DEC doing to address health concerns?

Every permit that DEC issues takes into consideration the impacts to public health and the environment in all areas over which the agency has jurisdiction. Potential health concerns from air emissions were therefore considered in evaluating the proposed air permit modification. However, the prior decisions regarding the facility are under continuing review.

2. How has existing oil stored at Albany's port impacted the current health of residents?

When petroleum is properly contained in storage tanks, as has been the case at the Global facility, there is little chance for people to be exposed from the storage of oil.

3. How do emissions impact the health of the community?

The region is in attainment of the National Ambient Air Quality Standards (NAAQS), which are developed by the U.S. EPA to protect human health and the environment. In addition, emissions of other pollutants will be controlled to low levels, and, therefore, people will be protected from developing chronic health problems related to breathing petroleum chemicals. However, they may notice odors, and when exposed to these odors may experience some short-term effects.

Global utilizes a system of monitoring equipment to ensure correct operation of emission control equipment. This equipment also tracks throughput of crude oil and other materials to ensure compliance with permit limits on throughput.

DEC will undertake a short-term air monitoring program at various locations near the Albany Port in order to evaluate the level of volatile organic compounds attributable to the combined operations of various sources of air pollution, including Global and other facilities at the port.

Emergency Preparedness

1. Have first responders been trained to handle an oil leakage or explosion?

Yes, local hazardous materials teams train for a wide variety of incidents, and DEC responds to petroleum spills, in cooperation with federal and local agencies. State and local responders train vigorously for hazmat-related emergencies, including railcar incidents involving crude oil and ethanol. Global has developed a Facility Response Plan, an Emergency Response Plan and a Spill Prevention, Control and Countermeasure Plan, all of which must be approved by federal agencies. Typically, emergency response plans detail specific procedures to be followed in the event of an emergency, such as notification procedures, evacuation procedures and the identification of available resources to address different types of emergencies. An emergency response drill is being planned now for the Port of Albany.

In addition, the U.S. Department of Transportation (US DOT), which regulates rail transport, recently announced enhanced safety initiatives that reflect some concerns raised by New York.

On Feb. 25, the US DOT issued an Emergency Order that requires all shippers of Bakken crude oil to test and classify the product before it can be transported by rail, and also mandates that crude oil only be transported in certain, more robust tank cars. While this step is an improvement, the federal government has not yet gone far enough in requiring the best design available for tank cars.

US DOT has also recently entered into voluntary agreements with rail companies on crude oil transport to enhance track and mechanical inspections, assess the safest and most secure routes for crude oil transport, improve train brake systems, and establish speed restrictions. Just yesterday, Governor Cuomo called on our federal counterparts to expedite efforts to make the terms of the voluntary agreement mandatory and enforceable.

2. Where is the city's emergency preparedness plan?

The Albany Fire Department has the plan. To view and/or obtain a copy of the city's plan, you may contact the Albany Fire Department at 447-7879. They may require a Freedom of Information Law request.

3. How will residents be informed of an emergency evacuations plan?

The public would be notified of major releases by first responders, if warranted, or through local media. For additional information about emergency notifications, please contact the Albany Fire Department at 447-7879 as evacuation planning is handled at the local level.

4. In the event of an explosion or oil leakage, does the state or city have a financial plan in place?

Under state and federal law the parties responsible for a spill would be held liable for the cleanup and restoration costs, as well as any natural resource damages associated with a spill. If the responsible party is unwilling or unable to perform the necessary cleanup, the state and federal governments will cooperatively work to arrange for an expeditious cleanup using the state's Oil Spill Fund, which was set up to provide funding for this type of cleanup response. Subsequent legal actions would be brought to recover the cleanup costs and could include an assessment for any natural resource damages and any associated penalties deemed appropriate.

Requests

1. Global Companies should pay for flyers to inform community residents about the upcoming forum on February 12, 2014.

DEC issued a press release regarding the meeting and personally contacted numerous local and state elected representatives, as well as community leaders and environmental groups, which reached out to their constituencies. The meeting was well attended by the public.

An enhanced community participation plan is being developed now and will be expanded to include more effective measures to implement community outreach.

2. Can DEC partner with the Health Department to conduct a public health study?

The State and County Health Departments are responsible for public health studies, but if one of them decides to conduct such a study, DEC would cooperate in any way we can, including providing data we have.



APPENDIX F

LIST OF PROJECT STAKEHOLDERS

Name	Address	Phone	Email
Carolyn McLaughlin President Albany Common Council	76 Grandview Terrace Albany, NY 12202	(518) 376-5120	onlybelv@aol.com
Dorcey Applyrs Member Albany Common Council Ward 1	6 South Marshall Street Albany, NY 12209	(518) 894-8981	dorceyapplyrs@gmail.com
Vivian Kornegay Member Albany Common Council Ward 2	116 Philip Street Albany, NY 122202	(518) 334-3771	vdk1960@gmail.com
Lucille McKnight Legislator Albany County		(518) 463-9883	lmcknight@nycap.rr.com
Steven Longo Executive Director Albany Housing Authority	200 South Pearl Street Albany, NY 12202	(518) 641-7518	slongo@albanyhousing.org
Joanne Morton President South End Association			ba0jbm@hotmail.com
Sandy Steubing Member People of Albany United for Safe Energy			ssteub@gmail.com
Louise MacNeilly Member Delaware Avenue Neighborhood Association			mlmcneilly@earthlink.net
Bhawin Suchak Organizer Mansion Hill Neighborhood Association			bhawin74@yahoo.com
Kelly Kimbrough Member Albany Common Council Ward 4		(518) 250-9267	kellykimbrough4@gmail.com
Dominick Calsolaro			
Regina Dew President North Albany Association			
Charlene Benton President Ezra Prentice Home Association			
Rev. Mark Johnson			
Reverend Peter Young			
Reverend McKinley Johnson			
Neil Breslin New York State Senator			
John McDonald New York State Assembly			
Patricia Fahy New York State Assembly			

Name	Address	Phone	Email
Daniel McCoy County Executive			
Doug Bullock Albany Legislator			
Chris Higgins Albany Legislator			
Noelle Kinsch Albany Legislator			
Brian Clenahan Albany Legislator			
Kathy Sheehan Mayor			
Leah Golby Member Albany Common Council			
Bill Law			lawwi@yahoo.com



APPENDIX G

GLOBAL COMMUNICATIONS TO COMMUNITY AND STAKEHOLDERS



Dear Neighbor:

As you may know, Global Partners operates a bulk petroleum terminal in Albany, immediately north of the Port of Albany and east of the Ezra Prentice and Mount Hope residential neighborhoods.

Recently, we have submitted an application to the New York State Department of Environmental Conservation (DEC) to modify our existing air permit to allow for the installation and operation of boilers and heaters at our terminal. Our application does not seek to increase the amount of crude oil transported to or from our facility.

We have scheduled two public forums where Global representatives will be available to provide information about our proposed project and answer questions:

- **Monday, March 24, 6-8pm**
Albany Public Library, John A. Howe Branch
105 Schuyler Street, Albany (518) 472-9485
- **Tuesday, March 25, 10:30am-12:30pm**
Holiday Inn Express, Downtown Albany
300 Broadway, Albany (518) 434-4111

We hope to see you at one of these meetings. Additional information is provided below, and is available at Global's project website: www.globalalbany.com or DEC's website: www.dec.ny.gov/permits/95623.html.

The Proposed Project

Global's Albany terminal was constructed in the 1920s and has been owned by a variety of companies including Mobil and ExxonMobil. Global Partners purchased the terminal in 2007.

Global handles a wide variety of petroleum products from its Albany facility, including gasoline, diesel fuel, home heating oil, kerosene, crude oil and renewable fuels such as ethanol. Products are primarily received at our Albany terminal by marine vessel and rail, and are distributed by marine vessel, rail and truck.

We are seeking the ability to receive, store and transport biodiesel at the Albany terminal. We are also seeking to heat certain grades of products that we are already permitted to receive, store and distribute, including crude oil. Heating these products will make them flow more efficiently, thereby improving our ability to move them from rail cars to storage tanks, and from storage tanks to barges.

The proposed project envisions the installation of four boilers to generate steam for heating rail cars and for heating piping from the rail to storage tanks. The steam would be circulated through heating coils in the rail cars or in the insulation around the rail cars to warm the product. Storage tanks and other piping would be heated in a similar system using thermal oil instead of steam. None of the petroleum products would be heated directly.

As part of its application to DEC, Global evaluated potential environmental impacts and, per state requirements, submitted the new long environmental assessment form to DEC, which is available for review on DEC's website. DEC reviewed Global's application materials and determined they were complete. DEC also determined the proposed project would not result in significant adverse impacts to the environment.

DEC's public comment period on Global's application has been extended to April 2, 2014.

Emergency Preparedness

Global works closely with federal, state and local officials, as well as community leaders, employees, customers, railroads and other partners, to ensure the safe receipt and off-loading of products to the Albany terminal.

Each element of our operations begins with a comprehensive review and assessment of our procedures. Detailed security and emergency response plans are developed, with the assistance of local, state and federal agencies.

During operations, Global follows plans and procedures closely, monitoring operations to ensure protocols are followed and conducting inspections to ensure equipment is operating correctly.

Global provides hundreds of hours of safety and operations training for our employees, and conducts drills and exercises on spill prevention and response preparedness with the Albany Fire and Police departments, DEC, the Federal Railroad Administration, the Department of Homeland Security, the U.S. Coast Guard, EPA and others.

Rail Safety

Global shares the commitment of Governor Andrew Cuomo and Senator Charles Schumer to facilitate the safe transportation of crude oil. The effort of federal, state and local agencies complements our detailed preventive safety measures and comprehensive emergency preparedness protocols. We are continuing to work with the state and the community, as well as our employees, customers, railroads and other partners, to ensure the safe receipt and off-loading of rail cars at our terminal.



Dear Neighbor:

Earlier this week, you received a letter inviting you to two public forums where Global representatives will be available to provide information and answer questions about our proposed project at the Albany Terminal.

Please note the change in location for Monday's meeting:

- **Monday, March 24, 6-8pm**
Holiday Inn Express, Downtown Albany
300 Broadway, Albany
(518) 434-4111
- **Tuesday, March 25, 10:30am-12:30pm**
Holiday Inn Express, Downtown Albany
300 Broadway, Albany
(518) 434-4111

We hope to see you at one of these meetings.

Additional information is available at:

www.globalalbany.com

or

www.dec.ny.gov/permits/95623.html



As an interested party and stakeholder, we wanted to alert you to some important updates regarding Global Partners' proposed project in Albany:

- We have created a Public Participation Plan that incorporates community feedback and suggestions. This plan was submitted to the NYS DEC and Albany Common Council on March 10.
- We have launched a project website, www.globalalbany.com, which includes a copy of the Public Participation Plan and opportunities to provide further input.
- We have established a dedicated email address for project inquiries at albanyinfo@globalp.com.
- We have made copies of the Public Participation plan available at the following locations:
 - Albany Housing Authority, 200 South Pearl Street, Albany
 - John A. Howe Branch, Albany Public Library, 105 Schuyler Street, Albany

Should you have any questions regarding the Public Participation Plan, please visit www.globalalbany.com or www.dec.ny.gov/permits/95623.html.



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www.globalp.com