



For a thriving New England

CLF Massachusetts 62 Summer Street
Boston, MA 02110
P: 617.350.0990
F: 617.350.4030
www.clf.org

May 9, 2024

Eric Slifka
President and CEO, Global GP LLC
President, CEO, and Vice Chairman, Global Partners LP
President, CEO, and Director, Global Companies LLC
800 South Street, Suite 500
Waltham, MA 02453

Sean T. Geary
Chief Legal Officer, Global Operating LLC
Secretary, Chelsea Sandwich LLC
800 South Street, Suite 500
Waltham, MA 02453

Corporation Service Company
Registered Agent for Global GP LLC, Global Partners LP, Global Operating LLC,
Chelsea Sandwich LLC, and Global Companies LLC
84 State Street
Boston, MA 02109

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

RE: Notice of Violations and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

The Conservation Law Foundation (“CLF”)¹ hereby gives notice to Global GP LLC, Global Partners LP, Global Operating LLC, Chelsea Sandwich LLC, and Global Companies LLC, and their agents and directors (collectively, “Global”) of its intent to file suit pursuant to Section 505 of the Federal Water Pollution Control Act (“Clean Water Act,” “CWA,” or “Act”), 33 U.S.C. § 1365(a), for the violations of the Act described below. This letter constitutes notice pursuant to 40 C.F.R., Part 135 (the “Notice”) to the addressed persons of CLF’s intention to file suit in the United States District Court for the District of Massachusetts seeking appropriate equitable

¹ CLF is a not-for-profit 501(C)(3) organization dedicated to the conservation and protection of New England’s environment. Its mission includes the conservation and protection of Massachusetts’s waters for, among other things, fishing, recreation, boating, scenic/aesthetic, and scientific purposes. The interests of CLF’s members are adversely affected by Global’s discharges of pollution to Chelsea River in violation of the Clean Water Act.

relief, civil penalties, and other relief no earlier than 60 days from the postmark date of this Notice letter.

The subject of this action is Global’s past and ongoing violations of five current and former National Pollutant Discharge Elimination System (“NPDES”) permits for its Chelsea Sandwich Petroleum Storage Facility and the Global Revere Terminal (collectively, the “Permits”):

1. The “2022 Chelsea Permit”: Permit No. MA0003280,² which took effect December 1, 2022 and permits discharges at the Chelsea Sandwich Terminal;
2. The “2014 Chelsea Permit”: Permit No. MA0003280,³ which permitted discharges at the Chelsea Sandwich Terminal from September 24, 2014 to November 30, 2022;
3. The “2022 Revere Permit”: Permit No. MA0000825,⁴ which took effect December 1, 2022 and permits discharges from the Global Revere Terminal (the renamed and consolidated former Global South and Global Petroleum Terminals);⁵
4. The “2014 Global South Permit”: Permit No. MA0000825,⁶ which permitted discharges at the portion of the Global Revere Terminal formerly named Global South from September 24, 2014 to November 30, 2022; and
5. The “2014 Global Petroleum Permit”: Permit No. MA0003425,⁷ which permitted discharges at the portion of the Global Revere Terminal formerly named the Global Petroleum Terminal from September 24, 2014 to November 30, 2022.

Global’s violations of its Permits constitute violations of the Clean Water Act⁸ and applicable regulations.⁹

Global has discharged and continues to discharge effluent into waters of the United States in a manner that violates the terms of its NPDES Permits in at least the following ways: (1) by violating the Permits’ effluent limitations for pollutants including polycyclic aromatic hydrocarbons (“PAHs”), heavy metals, ammonia, chlorine, and total suspended solids (“TSS”);

² U.S. EPA, NPDES PERMIT MA0003280 (2022), <https://www3.epa.gov/region1/npdes/chelseacreekfuelterminals/pdfs/2022/2022-chelsea-final-permit.pdf> [hereinafter 2022 Chelsea Permit].

³ U.S. EPA, NPDES PERMIT MA0003280 (2014), <https://www3.epa.gov/region1/npdes/permits/2014/finalma0003280permit.pdf> [hereinafter 2014 Chelsea Permit].

⁴ U.S. EPA, NPDES PERMIT MA0000825 (2022), <https://www3.epa.gov/region1/npdes/chelseacreekfuelterminals/pdfs/2022/2022-global-final-permit.pdf> [hereinafter 2022 Revere Permit].

⁵ Until 2022, Global operated three terminals at the Global Revere Terminal site under the names REVCO (the northern portion), Global Petroleum Terminal (the central portion), and Global South (the southern portion). Each terminal had a separate NPDES permit. In 2022, Global sold the entire site. The REVCO portion was decommissioned, and Global leased back the Global Petroleum and the Global South Terminals. When EPA renewed the NPDES permits for the terminals in 2022, it consolidated the former Global Petroleum and Global South Terminals under one NPDES Permit.

⁶ U.S. EPA, NPDES PERMIT MA0000825 (2014), <https://www3.epa.gov/region1/npdes/permits/2014/finalma0000825permit.pdf> [hereinafter 2014 Global South Permit].

⁷ U.S. EPA, NPDES PERMIT MA0003425 (2014), <https://www3.epa.gov/region1/npdes/permits/2014/finalma0003425permit.pdf> [hereinafter 2014 Global Petroleum Permit].

⁸ See CWA §§ 301(a), 402(k); 33 U.S.C. §§ 1311(a), 1342(k).

⁹ See 40 CFR §122.44(d)(1).

(2) by violating Massachusetts state water quality standards; (3) by violating the Permits' narrative effluent limitations relating to water quality and control measures; and (4) by violating the Permits' monitoring and reporting requirements.

LOCATION OF THE ALLEGED VIOLATIONS

The violations alleged in this Notice have occurred and continue to occur at the following facilities (collectively, the "Facilities"):

1. The Chelsea Sandwich Petroleum Storage Facility (the "Chelsea Sandwich Terminal") at 11 Broadway, Chelsea, MA 02150; and
2. The Global Revere Terminal (the renamed and consolidated former Global South and Global Petroleum Terminals) at 140 Lee Burbank Highway, Revere, MA 02151.

PERSONS RESPONSIBLE FOR ALLEGED VIOLATIONS

Global GP LLC, Global Partners LP, Global Operating LLC, Chelsea Sandwich LLC, and Global Companies LLC (collectively, "Global") are the persons, as defined by 33 U.S.C. § 1362(5), responsible for the violations alleged in this Notice.

Global GP LLC is the general partner of Global Partners LP. Global GP LLC manages the operations of Global Partners LP and employs Global Partners LP's officers and substantially all of its personnel.¹⁰

Global Partners LP is a master limited partnership that owns and/or controls a large petroleum terminal network – including the Chelsea Sandwich Terminal and the Global Revere Terminal.

Global Operating LLC is a wholly-owned subsidiary of Global Partners LP. Chelsea Sandwich and Global Companies LLC are wholly-owned subsidiaries of Global Operating LLC.

Chelsea Sandwich LLC, its affiliates, and/or its parents operate the Chelsea Sandwich Terminal and have operated it since at least 2019.

Global Companies LLC, its affiliates, and/or its parents operate the Global Revere Terminal and have operated it since at least 2019.¹¹

BACKGROUND

A. Global and its Operations at the Chelsea and Revere Facilities.

Global is one of the largest distributors of gasoline, oil, and petroleum products in New England.¹² Global operates petroleum storage terminals and distribution centers, like the

¹⁰ Global Partners LP, SEC Form 10-K, 7 (Feb. 28, 2024), <https://ir.globalp.com/financials/sec-filings/sec-filings-details/default.aspx?FilingId=17322465>.

¹¹ Global South Terminal, LLC and Global Petroleum Corporation, the named permittees on the 2014 Global South Permit and the 2014 Global Petroleum Permit, ceased operating in 2017 and 2020, respectively.

¹² SEC Form 10-K, *supra* note 10, at 7.

Facilities, as well as gasoline stations and convenience stores across the Northeast and in Texas.¹³

The Facilities receive deliveries of bulk quantities of petroleum products (including gasoline, diesel, heating oil, ethanol, and/or fuel additives) via ship, barge, or tanker truck, which are piped into and stored in above-ground storage tanks at the Facilities' tank farms.¹⁴ The Chelsea Sandwich Facility can store around 28 million gallons of product, while the Global Revere Facility can store around 35 million gallons.¹⁵ The stored petroleum products are distributed to tanker trucks at the truck loading rack (each of the Facilities can load 17 trucks at once) or to vessels.¹⁶

Global discharges treated groundwater, boiler blowdown, hydrostatic test water, and stormwater from the Facilities directly into Chelsea River (also known as the Chelsea Creek) via three outfalls.¹⁷

The Chelsea Sandwich Facility operates a groundwater treatment system to remediate groundwater contaminated by fuel oil from a historic spill.¹⁸ The groundwater is pumped from recovery wells to the treatment system, and then discharged through Outfall 001 into Chelsea River. At the Global Revere Facility, contaminated groundwater which has infiltrated the system is treated, tested at Outfall 003, and then discharged through Outfall 002 into Chelsea River.¹⁹

The Chelsea Sandwich Facility discharges boiler blowdown (water with high mineral salt concentrations withdrawn daily as part of maintenance) and steam condensate from the boilers used to heat buildings on-site.²⁰ The boiler blowdown contains pollutants including metals and water softeners added to the boiler.²¹

The Facilities periodically test their storage tanks and pipes for leaks by filling them with high pressure water and monitoring pressure drops over time (hydrostatic testing).²² Following the tests, the Facilities treat and discharge the hydrostatic test water, which contains pollutants including hydrocarbons and residual chlorine.²³

¹³ *Id.*

¹⁴ Global Companies LLC Revere Terminal, Storm Water Pollution Prevention Plan (Feb. 28, 2023) [hereinafter "Revere SWPPP"] at 4; Chelsea Sandwich LLC Chelsea Terminal, Storm Water Pollution Prevention Plan (February 28, 2023) [hereinafter "Chelsea SWPPP"] at 4.

¹⁵ U.S. EPA, NPDES No. MA0003280 Fact Sheet (2020) 11-12 [hereinafter "Chelsea Sandwich Fact Sheet"]; U.S. EPA, NPDES Permit No. MA0000825 Fact Sheet (2021) at 13-15 [hereinafter "Global Revere Fact Sheet"].

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Chelsea Sandwich Fact Sheet, *supra* note 15, at 16.

¹⁹ Global Revere Fact Sheet, *supra* note 15, at 18-20; U.S. EPA, NPDES Permit #MA0003280, #MA0000825 #MA0001091, #MA0001929, and #MA0004006 Response to Comments (2022).
at 56.

²⁰ Chelsea Sandwich Fact Sheet, *supra* note 15, at 16-17.

²¹ *Id.*

²² Chelsea Sandwich Fact Sheet, *supra* note 15, at 15-16; Global Revere Fact Sheet, *supra* note 15, at 17-18, 21.

²³ *Id.*

Finally, Global collects, treats, and discharges stormwater from the Facilities directly into Chelsea River. Catch basins and drains across the Facilities, including at the tank farms and under the truck loading racks, collect pollutant-laden stormwater runoff. The runoff is visually inspected for oil sheen – if no sheen is detected, the runoff is released into the stormwater conveyance system, passed through an oil/water separator, and then is discharged into Chelsea River.²⁴

B. Chelsea River’s Uses and Impairments.

Chelsea River is a water of the United States and a tidal river in the Mystic River Watershed that flows into Boston Inner Harbor.²⁵ The segment of Chelsea River that is the receiving water for both facilities is designated by the U.S. Environmental Protection Agency (“EPA”) as Waterbody MA71-06.²⁶ Chelsea River is designated by the Massachusetts Department of Environmental Protection (“MassDEP”) as a Class SB waterbody pursuant to 314 CMR 4.06.²⁷

Chelsea River flows through environmental justice communities in Chelsea, Revere, and East Boston. Community members, including CLF members, kayak and fish on Chelsea River and recreate on its banks at waterfront parks and on public walkways.

Chelsea River is impaired for aquatic life from ammonia and petroleum hydrocarbons; for primary and secondary contact recreation and aesthetic use from debris, odor, petroleum hydrocarbons, trash, and turbidity; for fish consumption from PCBs in fish tissue; and for shellfish harvesting from fecal coliform.²⁸ According to the EPA, sources contributing to the impairment of Chelsea River may include above-ground storage tank leaks from tank farms, accidental releases or spills, contaminated sediments, and industrial point source discharges.²⁹

STANDARDS AND LIMITATIONS ALLEGED TO HAVE BEEN VIOLATED

To discharge lawfully from the Facilities under the Clean Water Act, Global was required to comply with the 2014 Chelsea Permit, the 2014 Global Petroleum Permit, and the 2014 Global South Permit from December 1, 2014 to November 30, 2022. Since December 1, 2022, Global has been required to comply with the 2022 Chelsea Permit and the 2022 Revere Permit.

Global has failed to comply with the following standards and limitations required by the Permits, which include numeric effluent limits, Massachusetts state water quality standards, narrative effluent limits, and monitoring and reporting requirements.

²⁴ Chelsea Fact Sheet, *supra* note 15, at 14-15; Global Revere Fact Sheet, *supra* note 15, at 16-17.

²⁴ *Id.*

²⁵ U.S. EPA, *Waterbody Report Chelsea River* (2022), https://mywaterway.epa.gov/waterbody-report/MA_DEP/MA71-06/2022.

²⁶ *Id.*

²⁷ 314 CMR 4.06(2), 4.06(6)(b).

²⁸ *Waterbody Report Chelsea River*, *supra* note 25.

²⁹ *Id.*

A. Global Is Required to Comply with the Permits’ Numeric Effluent Limits.

The Permits require Global to comply with numeric effluent limitations, including, but not limited to, the following:

Pollutant	Type of Limit	Limitation	Relevant NPDES Permits
Ammonia (as nitrogen)	Daily maximum	1.8 mg/L	2022 Chelsea Permit at 4.
Benzene	Daily maximum	5 µg/L	2022 Revere Permit at 2; 2014 Global Petroleum Permit (Outfall 002) at 11.
Benzo(a)anthracene	Monthly average	0.0013 µg/L	2022 Chelsea Permit at 3; 2022 Revere Permit at 3.
Benzo(a)pyrene	Monthly average	0.00013 µg/L	2022 Chelsea Permit at 3; 2022 Revere Permit at 3.
Benzo(b)fluoranthene	Monthly average	0.0013 µg/L	2022 Chelsea Permit at 3; 2022 Revere Permit at 3.
Benzo(k)fluoranthene	Monthly average	0.013 µg/L	2022 Chelsea Permit at 3; 2022 Revere Permit at 3.
Chlorine	Daily maximum	13 µg/L	2022 Revere Permit at 4.
Chrysene	Monthly average	0.13 µg/L	2022 Chelsea Permit at 3.
Copper	Daily maximum	5.8 µg/L	2022 Chelsea Permit at 4; 2022 Revere Permit at 4.
Dibenzo(a,h)anthracene	Monthly average	0.00013 µg/L	2022 Chelsea Permit at 3; 2022 Revere Permit at 3.
Indeno(1,2,3-cd)pyrene	Monthly average	0.0013 µg/L	2022 Chelsea Permit at 3; 2022 Revere Permit at 3.
Iron	Daily maximum	300 µg/L	2022 Revere Permit at 24.
pH	Minimum	6.5 S.U.	2022 Chelsea Permit at 2.
Total petroleum hydrocarbons (“TPH”)	Daily maximum	5 mg/L	2014 Global Petroleum Permit at 11.
Total suspended solids (“TSS”)	Monthly average	30 mg/L	2022 Chelsea Permit at 2; 2022 Revere Permit at 2; 2014 Global Petroleum Permit at 2.
	Daily maximum	100 mg/L	2022 Chelsea Permit at 2; 2022 Revere Permit at 2.
Zinc	Daily maximum	95.1 µg/L	2022 Chelsea Permit at 4; 2022 Revere Permit at 4.

B. Global Is Required to Not Cause a Violation of State Water Quality Standards.

The Permits require that Global’s discharges shall not cause a violation of the water quality standards of the receiving water (the Massachusetts state water quality standards).

Massachusetts’ applicable state water quality standards for Class SB waters (like Chelsea River) include prohibitions on conditions that would impair any use of the water, be aesthetically objectionable, and/or harm aquatic life, such as floating, suspended and settleable solids; color

and turbidity; oil, grease, and petrochemicals that produce visible film; and taste and odor.³⁰ Massachusetts also has state water quality standards for all surface waters relating to aesthetics, including prohibitions on debris, objectionable odor, color, taste or turbidity,³¹ pollutants that adversely affect the bottom of the waterbody,³² and toxic concentrations or combinations of pollutants.³³ For all waterbodies, “existing uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.”³⁴

C. Global Is Required to Comply with the Permits’ Narrative Effluent Limitations and Corrective Action Requirements.

1. *The Permits include narrative effluent limitations relating to the characteristics of the discharge.*

The Permits require that Global comply with narrative effluent limitations, including but not limited to requirements that the discharge (1) shall be free from pollutants in concentrations or combinations that, in the receiving water, settle to form objectionable deposits; float as debris, scum, or other matter to form nuisances; produce objectionable odor, color, taste, or turbidity; or produce undesirable or nuisance species of aquatic life; (2) shall be free from pollutants in concentrations or combinations that adversely affect the physical, chemical, or biological nature of the bottom; (3) shall not result in pollutants in concentrations or combinations in the receiving water that are toxic to humans, aquatic life, or wildlife; and (4) shall be free from oil, grease, and petrochemicals that produce a visible film on the surface of the water, impart an oily taste to the water or an oily or other undesirable taste to the edible portions of aquatic life, coat the banks or bottom of the water course, or are deleterious or become toxic to aquatic life.³⁵

2. *The Permits include narrative effluent limitations relating to control measures.*

The Permits further require that Global comply with narrative effluent limitations relating to its control measures, Best Management Practices (“BMPs”), and Stormwater Pollution Prevention Plan (“SWPPP”).³⁶ Global must design, install, and implement control measures to minimize the pollutants discharged from stormwater.³⁷ The control measures must ensure that non-numeric effluent limitations are met, including limitations relating to minimizing exposure, good housekeeping, preventative maintenance, spill prevention and response, erosion and sediment controls, and runoff management.³⁸ The 2022 Permits also require that Global (1) design and implement response procedures for ethanol and pollutants used for spill and fire control

³⁰ 314 CMR 4.05(4)(b)(5), (6), (7), (8).

³¹ 314 CMR 4.05(5)(a).

³² 314 CMR 4.05(5)(b).

³³ 314 CMR 4.05(5)(e).

³⁴ 314 CMR 4.04(1).

³⁵ 2022 Chelsea Permit at 27; 2014 Chelsea Permit at 15; 2022 Revere Permit at 27; 2014 Global South Permit at 14; 2014 Global Petroleum Permit at 16.

³⁶ 2022 Chelsea Sandwich Permit at 17-22; 2014 Chelsea Sandwich Permit at 17-22; 2022 Revere Permit at 29-34; 2014 Global South Permit at 16-17; 2014 Global Petroleum Permit at 20-21.

³⁷ 2022 Chelsea Sandwich Permit at 17; 2014 Chelsea Sandwich Permit at 17-18; 2022 Revere Permit at 29; 2014 Global South Permit at 16-17; 2014 Global Petroleum Permit at 20-21.

³⁸ *Id.*

(including aqueous film-forming foam), and (2) implement structural improvements, enhanced/resilient pollution prevention measures, and/or other mitigation measures to minimize discharges that result from impacts of major storm and flood events.³⁹ Global must develop, implement, and maintain a SWPPP that documents the selection, design, and installation of control measures, including BMPs, following the requirements of the Permits.⁴⁰

3. *The Permits include corrective action requirements.*

Global is required to take corrective action following conditions including: (1) discharge which violates any permit condition, including a numeric effluent limit, and (2) stormwater control measures that are not stringent enough to control stormwater discharges as necessary such that the receiving water will meet applicable water quality standards and/or the non-numeric limits.⁴¹ Required corrective actions in the 2014 Permits include reviewing and revising the selection, design, installation, and implementation of BMPs and other control measures.⁴² Required corrective actions in the 2022 Permits include reviewing and revising the SWPPP as appropriate so that the Permits' effluent limits are met and pollutant discharges are minimized.⁴³

The Permits incorporate the inspection, corrective action, control measures, and SWPPP requirements of the 2009 or 2021 Multi-Sector General Permits (“MSGPs”).⁴⁴

D. Global Is Required to Comply with the Permits’ Monitoring and Reporting Requirements.

1. *The Permits include monthly, quarterly, and annual monitoring and reporting requirements.*

The Permits require that Global monitor its effluent and the receiving water by collecting and analyzing grab samples pursuant to the frequencies and timings specified in the Permits.⁴⁵ Global is required to report the results of its sampling to EPA in Discharge Monitoring Reports (“DMRs”).⁴⁶

³⁹ 2022 Chelsea Permit at 18-19; 2022 Revere Permit at 30-31.

⁴⁰ 2022 Chelsea Permit at 21; 2014 Chelsea Permit at 20; 2022 Revere Permit at 33; 2014 Global South Permit at 19; 2014 Global Petroleum Permit at 23.

⁴¹ 2022 Chelsea Permit at 18; 2014 Chelsea Permit at 20; 2022 Revere Permit at 30; 2014 Global South Permit at 19; 2014 Global Petroleum Permit at 23.

⁴² 2014 Chelsea Permit at 20; 2014 Global South Permit at 19; 2014 Global Petroleum Permit at 23.

⁴³ 2022 Chelsea Permit at 18; 2022 Revere Permit at 30.

⁴⁴ 2022 Chelsea Permit at 18; 2014 Chelsea Permit at 20; 2022 Revere Permit at 30; 2014 Global South Permit at 16-20; 2014 Global Petroleum Permit at 24-25.

⁴⁵ 2022 Chelsea Sandwich Permit at 2-7, 11-12; 2022 Revere Permit at 2-7, 12-17, 22-24; 2014 Global Petroleum Permit at 2-6, 11, 14; 2014 Global South Permit at 2-7.

⁴⁶ 2022 Chelsea Sandwich Permit at 27; 2014 Chelsea Permit at 23; 2022 Revere Permit at 39; 2014 Global Petroleum Permit at 27; 2014 Global South Permit at 23.

2. *The Permits include requirements for the methodology used when sampling and analyzing pollutants.*

The Permits include monitoring and reporting requirements related to the methodologies for sampling and analyzing pollutants in its effluent and in the receiving water.⁴⁷ The Permits require that all samples shall be grab samples taken within 15 minutes of the initiation of a discharge during a qualifying event where practicable, but in no case later than within the first hour of discharge from the outfall.⁴⁸

3. *The 2022 Permits require that annual SWPPP certifications be submitted to EPA.*

The 2022 Chelsea Permit and the 2022 Revere Permit require that Global certify at least annually that the previous year’s inspections, corrective actions, control measures, and training activities were conducted, results were recorded, and records were maintained as described in the SWPPP (the “SWPPP Certifications”).⁴⁹ SWPPP Certifications must be submitted by January 15th of the following calendar year.⁵⁰

ACTIVITIES ALLEGED TO BE VIOLATIONS

The Facilities’ violations of its Permits, as described below, are violations of Sections 301(a) and 402 of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1342, and 40 CFR § 122.44.

A. Global Has Discharged, Is Discharging, and Will Continue to Discharge Pollutants to Waters of the United States in Violation of the Permits’ Numeric Effluent Limitations.

Since 2019, Global’s monitoring data revealed at least 97 violations of the Permits’ numeric effluent limitations. These violations are as follows:

1. *Global has violated, is violating, and will continue to violate the Permits’ limitations for polycyclic aromatic hydrocarbons (PAHs).*

Global discharges polycyclic aromatic hydrocarbons (“PAHs”): a class of hundreds of compounds which includes benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene (Group I PAHs); as well as acenaphthene, acenaphthylene, anthracene, benzo(g,h,i)perylene, fluoranthene, fluorene, naphthalene, phenanthrene, and pyrene (Group II PAHs).

PAHs are toxic carcinogenic compounds created by the incomplete burning of oil, gas, coal, and other organic substances.⁵¹ They persist in the environment, bioaccumulate in fish and other

⁴⁷ 2022 Chelsea Permit at 7; 2014 Chelsea Permit at 12; 2022 Revere Permit at 7; 2014 Global South Permit at 7; 2014 Global Petroleum Permit at 7.

⁴⁸ *Id.*; 2014 Chelsea Permit at 12.

⁴⁹ 2022 Chelsea Permit at 22; 2022 Revere Permit at 34.

⁵⁰ *Id.*

⁵¹ *What are PAHs*, Agency for Toxic Substances and Disease Registry (“ATSDR”), https://www.atsdr.cdc.gov/csem/polycyclic-aromatic-hydrocarbons/what_are_pahs.html (last visited Feb. 14, 2024).

aquatic life, build up in sediment, and enter the air as aerosols.⁵² Because PAHs can bioconcentrate in fish and shellfish by a factor of up to 100,000, even a relatively small amount can accumulate to levels too dangerous to be safe to consume.⁵³ When people are exposed to PAHs (by eating contaminated fish, swimming in polluted water, or breathing it in), it can cause developmental issues and damage to the lungs, stomach, kidneys, liver, and skin.⁵⁴ PAHs bound to suspended solids and bioaccumulated in the bodies of contaminated fish can travel long distances from the discharge site – spreading toxic pollutants many miles.⁵⁵

PAHs can be dangerous even in very small amounts, and EPA set the numeric effluent limits for PAHs accordingly. The 2022 Chelsea and Revere Permits include the following numeric effluent limitations for PAHs:

- 0.0013 µg/L for benzo(a)anthracene, benzo(b)fluoranthene, and indeno(1,2,3-cd)pyrene;
- 0.00013 µg/L for benzo(a)pyrene and dibenzo(a,h)anthracene;
- 0.013 µg/L for benzo(k)fluoranthene; and
- 0.13 µg/L for chrysene (2022 Chelsea Permit only).⁵⁶

Since 2022, Global’s monitoring data for the Facilities has revealed at least 19 violations of the effluent limits for PAHs in the 2022 Chelsea Permit and at least 28 violations of the effluent limits for PAHs in the 2022 Revere Permit.⁵⁷

2. *Global has violated, is violating, and will continue to violate the Permits’ limitations for heavy metals.*

Global discharges heavy metals, including copper, iron, and zinc, from the Facilities. Heavy metals like copper, iron, and zinc are toxic, endanger human and animal health, and imperil aquatic ecosystems.⁵⁸ Exposure to heavy metals in drinking water can cause serious health

⁵² Jessica Nene Anyahara, *Effects of Polycyclic Aromatic Hydrocarbons (PAHs) on the Environment: A Systematic Review*, 7 Int’l J. of Advanced Academic Res. 3 (2021), <https://www.ijaar.org/articles/v7n3/ste/ijaar-ste-v7n3-mar21-p7303.pdf>.

⁵³ J.W. Farrington, and H. Takada, *Persistent Organic Pollutants (POPs), Polycyclic Aromatic Hydrocarbons (PAHs), and Plastics: Examples of the Status, Trend, and Cycling of Organic Chemicals of Environmental Concern in the Ocean*, *Oceanography* 27(1):196, 199 (2014), <https://doi.org/10.5670/oceanog.2014.23>.

⁵⁴ Okechukwu Clinton Ifegwu & Chimezie Anyakora, *Chapter Six - Polycyclic Aromatic Hydrocarbons: Part I. Exposure*, in Gregory S. Makowski (ed.), *Advances in Clinical Chemistry*, vol. 72 (Elsevier 2015), 277-304, <https://www.sciencedirect.com/science/article/abs/pii/S0065242315000700#preview-section-abstract>.

⁵⁵ Clarissa Glaser et al., *Analyzing Particle-Associated Pollutant Transport to Identify In-Stream Sediment Processes during a High Flow Event*, 12 *Water* 1794 (2020), <https://doi.org/10.3390/w12061794>; Brandon S. Gerig et al., *Contaminant Biotransport by Pacific Salmon in the Great Lakes*, *Frontiers in Ecology and Evolution* 8 (2020), <https://www.frontiersin.org/articles/10.3389/fevo.2020.00199>.

⁵⁶ 2022 Chelsea Permit at 3; 2022 Revere Permit at 22-23.

⁵⁷ U.S. EPA, *Detailed Facility Report for Global South Terminal (110008062595)*, ECHO <https://echo.epa.gov/detailed-facility-report?fid=110008062595>; U.S. EPA, *Detailed Facility Report for Chelsea Sandwich Petroleum Storage Facility (110000311127)*, ECHO, <https://echo.epa.gov/detailed-facility-report?fid=110000311127>.

⁵⁸ See, e.g., ATSDR, *Toxicological Profile for Copper*, 2005 U.S. DEPT. HEALTH & HUM. SERVS., at 120-39 (April 2022).

issues. Copper and zinc bioaccumulate throughout the food chain, endangering predator species.⁵⁹

The 2022 Chelsea and Revere Permits include the following daily maximum effluent limitations for heavy metals:

- 5.8 µg/L for copper; and
- 95.1 µg/L for zinc.⁶⁰

The 2022 Revere Permit also includes a daily maximum effluent limit for iron of 300 µg/L.⁶¹

Since 2022, Global's monitoring data has revealed at least 16 violations of the 2022 Chelsea Permit's effluent limits for heavy metals and at least 14 violations of the 2022 Revere Permit's effluent limits for heavy metals.⁶²

3. *Global has violated, is violating, and will continue to violate the Permits' limitations for ammonia (as nitrogen).*

The 2022 Chelsea and Revere Permits contain a daily maximum effluent limit for ammonia of 1.8 mg/L.⁶³ Since 2022, Global's monitoring data has revealed at least two violations of the 2022 Chelsea Permit's limit for ammonia.⁶⁴

4. *Global has violated, is violating, and will continue to violate the Permits' limitations for benzene.*

The 2014 Global Petroleum Permit and 2022 Revere Permit contain a daily maximum effluent limit for benzene of 5 µg/L.⁶⁵ Since 2019, Global's monitoring data has revealed at least five violations of the 2014 and 2022 Revere Permit's limit for benzene.⁶⁶

5. *Global has violated, is violating, and will continue to violate the Permits' limitations for chlorine.*

The 2022 Chelsea and Revere Permits contain a daily maximum effluent limit for chlorine of 13 µg/L.⁶⁷ Since 2022, Global's monitoring data has revealed at least three violations of the 2022 Revere Permit's limit for chlorine.⁶⁸

⁵⁹ *Id.* at 235; ATSDR, *Toxicological Profile for Zinc*, 2005 U.S. DEPT. HEALTH & HUM. SERVS., at 4-6 (August 2005).

⁶⁰ 2022 Chelsea Permit at 4; 2022 Revere Permit at 4.

⁶¹ 2022 Revere Permit at 24.

⁶² See *Detailed Facility Report for Global South Terminal (110008062595)*, *supra* note 57.

⁶³ 2022 Chelsea Permit at 4; 2022 Revere Permit at 4.

⁶⁴ See *Detailed Facility Report for Chelsea Sandwich Petroleum Storage Facility (110000311127)*, *supra* note 57.

⁶⁵ 2022 Revere Permit at 2; 2014 Global Petroleum Permit at 14.

⁶⁶ US EPA, *Detailed Facility Report for Global Petroleum Terminal (110043159961)*, ECHO, https://echo.epa.gov/detailed-facility-report?fid=110043159961&ej_type=sup&ej_compare=US; see *Detailed Facility Report for Global South Terminal (110008062595)*, *supra* note 57.

⁶⁷ 2022 Chelsea Permit at 4; 2022 Revere Permit at 4.

⁶⁸ See *Detailed Facility Report for Global South Terminal (110008062595)*, *supra* note 57.

6. *Global has violated, is violating, and will continue to violate the Permits' limitations for pH.*

The 2022 Chelsea and Revere Permits contain a minimum pH limit of 6.5 S.U.⁶⁹ Since 2022, Global's monitoring data has revealed at least one violation of the 2022 Chelsea Permit's pH limit.⁷⁰

7. *Global has violated, is violating, and will continue to violate the Permits' limitations for total petroleum hydrocarbons ("TPH").*

The NPDES Permits contain a daily maximum effluent limit for TPH of 5 mg/L.⁷¹ Since 2019, Global's monitoring data has revealed at least two violations of the limit for TPH at the Global Revere Terminal.⁷²

8. *Global has violated, is violating, and will continue to violate the Permits' limitations for total suspended solids ("TSS").*

The NPDES Permits contain a daily maximum effluent limit for TSS of 100 mg/L and a monthly average effluent limit for TSS of 30 mg/L.⁷³ Since 2019, Global's monitoring data has revealed at least seven violations of TSS limits at the Chelsea Sandwich Terminal and Global Revere Terminal.⁷⁴

B. Global Has Discharged, Is Discharging, and Will Continue to Discharge Effluent to Waters of the United States in Violation of Massachusetts State Water Quality Standards.

Global has discharged, is discharging, and will continue to discharge effluent from the Facilities in violation of the Massachusetts state water quality standards. These discharges impair the designated uses of the receiving water and are harmful to aquatic life and ecosystems.

As EPA notes in its Response to Comments on the Permits, Group I PAHs (a category that includes benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene) "cause, or have a reasonable potential to cause, or contribute to an excursion above [water quality standards]." The human health criteria for PAHs are "many times lower" than the minimum level which current methodology can measure, so "EPA considers any detection above a minimum level sufficient

⁶⁹ 2022 Chelsea Permit at 2; 2022 Revere Permit at 2.

⁷⁰ See *Detailed Facility Report for Chelsea Sandwich Petroleum Storage Facility (110000311127)*, *supra* note 57.

⁷¹ 2022 Chelsea Permit at 12; 2022 Revere Permit at 22.

⁷² See *Detailed Facility Report for Global Petroleum Terminal (110043159961)*, *supra* note 66; see *Detailed Facility Report for Global South Terminal (110008062595)*, *supra* note 57.

⁷³ 2022 Chelsea Permit at 2; 2014 Chelsea Permit at 2; 2022 Revere Permit at 2; 2014 Global South Permit at 2; Global Petroleum Permit at 11.

⁷⁴ See *Detailed Facility Report for Global South Terminal (110008062595)*, *supra* note 57; see *Detailed Facility Report for Global Petroleum Terminal (110043159961)*, *supra* note 66; see *Detailed Facility Report for Chelsea Sandwich Petroleum Storage Facility (110000311127)*, *supra* note 57.

evidence that the discharge has reasonable potential to cause or contribute to an excursion of the water quality criterion.”⁷⁵

Global has discharged, is discharging, and will continue to discharge toxic PAHs in concentrations hundreds of times greater than the “numeric water quality-based limits for the protection of human health” set by EPA in the Permits. Global’s PAH discharges violate Massachusetts state water quality standards prohibiting conditions that would impair use of the water and harm aquatic life⁷⁶ and prohibiting toxic concentrations or combinations of pollutants.⁷⁷ Besides PAHs, Global also discharged and continues to discharge other toxic pollutants in excess of the Permits’ numeric limits including benzene, PAH, ammonia, and chlorine.

Global has discharged, is discharging, and will continue to discharge sediment in concentrations that exceed the Permits’ numeric effluent limit. Global’s discharge of sediment violates Massachusetts state water quality standards prohibiting floating, suspended and settleable solids; turbidity;⁷⁸ debris;⁷⁹ and pollutants that adversely affect the bottom of the waterbody.⁸⁰

Global also has discharged, is discharging, and will continue to discharge petrochemicals and other pollutants characterized by objectionable taste and odor (including PAHs, benzene, chlorine, heavy metals, and TPH) in concentrations in excess of EPA’s numeric effluent limits. These discharges violate Massachusetts state water quality standards prohibiting aesthetically objectionable conditions, including prohibitions relating to color and turbidity; oil, grease, and petrochemicals that produce visible film; and taste and odor.⁸¹

Global has discharged, is discharging, and will continue to discharge petroleum hydrocarbons, ammonia, benzene, and other foul-smelling and toxic pollutants, as well as solids, to Chelsea River in excess of its Permits’ numeric effluent limits. Global’s discharges further exacerbate Chelsea River’s existing impairments for petroleum hydrocarbons, odor, ammonia, and turbidity.⁸² Global’s discharges of these pollutants also interfere with Chelsea River’s designated uses of aesthetics; fish, aquatic life, and wildlife; primary contact recreation (swimming); and secondary contact recreation (e.g. wading or boating).⁸³

⁷⁵ U.S. EPA, *NPDES Permit #MA0003280, #MA0000825, #MA0001091, #MA0001929, and #MA0004006 Response to Comments*, 50 (2022), <https://www3.epa.gov/region1/npdes/chelseacreekfuelterminals/pdfs/2022/2022-crbpsf-rtc.pdf>.

⁷⁶ 314 CMR 4.05(4)(b)(7).

⁷⁷ 314 CMR 4.05(5)(e).

⁷⁸ 314 CMR 4.05(4)(b)(5), (6).

⁷⁹ 314 CMR 4.05(5)(a).

⁸⁰ 314 CMR 4.05(5)(b).

⁸¹ 314 CMR 4.05(4)(b)(6), (7), (8).

⁸² *Waterbody Report Chelsea River*, *supra* note 25.

⁸³ *Id.*

C. Global Has Discharged, Is Discharging, and Will Continue to Discharge Effluent to Waters of the United States in Violation of the Permits’ Narrative Effluent Limitations and Corrective Action Requirements.

1. *Global has violated, is violating, and will continue to violate the Permits’ narrative effluent limitations relating to the characteristics of the discharge.*

In addition to violating the Massachusetts state water quality standards as described above, Global’s discharges of toxic and foul-smelling pollutants (including PAHs, heavy metals, ammonia, and benzene); oil, grease, and petrochemicals; and solids in excess of the numeric effluent limits set by EPA also violate the Permits’ narrative effluent limitations. Global is violating narrative effluent limits relating to (1) objectionable deposits; and objectionable odor, color, taste, or turbidity; (2) pollutants that adversely affect the nature of the bottom; (3) toxic pollutants; and (4) oil, grease, and petrochemicals.⁸⁴

2. *Global has violated, is violating, and will continue to violate the Permits’ narrative effluent limitations relating to the Facilities’ control measures.*

Global’s many violations of the Permits’ numeric effluent limits demonstrate that Global has failed to comply with narrative effluent limitations related to the selection, design, installation, and/or implementation of control measures, including through its BMPs and SWPPP.⁸⁵ Upon information and belief, Global has failed to comply both with the Permits’ narrative effluent limitations pertaining to control measures and with the inspection, corrective action, control measures, and SWPPP requirements in the 2021 MSGP.⁸⁶

3. *Global has violated, is violating, and will continue to violate the Permits’ corrective action requirements.*

Upon information and belief, Global has also failed to take required corrective action following its repeated and ongoing violations of the Permits’ numeric effluent limits and following violations of the Massachusetts water quality standards and the Permits’ non-numeric effluent limits. Based on public records retrieved from EPA through a FOIA request, Global has not reviewed and revised its control measures, its BMPs, or its SWPPPs as required in order to meet the Permits’ effluent limits and minimize the discharge of pollutants.

⁸⁴ 2022 Chelsea Permit at 15; 2014 Chelsea Permit at 13; 2022 Revere Permit at 27; 2014 Global South Permit at 12; 2014 Global Petroleum Permit at 16.

⁸⁵ 2022 Chelsea Sandwich Permit at 17; 2014 Chelsea Sandwich Permit at 17-18; 2022 Revere Permit at 29-34; 2014 Global South Permit at 16-17; 2014 Global Petroleum Permit at 20-21.

⁸⁶ 2022 Revere Permit at 30.

D. Global Has Failed to Comply with the Permits' Monitoring and Reporting Requirements.

1. *Global has violated, is violating, and will continue to violate the Permits' monthly, quarterly, and annual monitoring and reporting requirements.*

Upon information and belief, Global violated its Permits by failing to collect, analyze, and/or report at least six hundred required grab samples for the Facilities.⁸⁷ Global did not collect, analyze, and/or report data from the Global Revere Facility for at least 10 monitoring periods.⁸⁸ Despite the occurrence of precipitation events, as confirmed by historical weather data, Global submitted the no data indicator (NODI) codes “C: No Discharge” or “F: Insufficient Flow for Sampling” rather than taking required grab samples of its effluent (which includes stormwater).⁸⁹ At both of the Facilities, Global submitted NODI code “P: Laboratory Error or Invalid Test” for one monitoring period and failed to submit required monitoring values.⁹⁰ Upon information and belief, Global made no effort to correct the error and retake the sample during the monitoring period.

At the Global Revere Facility, Global has also failed to collect, analyze, and/or report (1) annual monitoring data for pollutants including acenaphthene, acenaphthylene, anthracene, benzo(g,h,i)perylene, fluoranthene, fluorene, phenanthrene, and pyrene in the discharge from Outfall 002;⁹¹ and (2) quarterly monitoring data for pollutants including acenaphthene, acenaphthylene, anthracene, benzo(g,h,i)perylene, fluoranthene, fluorene, phenanthrene, and pyrene from Outfall 003.⁹² None of these required samples have been collected, analyzed, and/or reported since the effective date of the 2022 Revere Permit.

2. *Global has violated, is violating, and will continue to violate the Permits' sampling methodology requirements.*

The Permits require that Global use specific methodologies and procedures when collecting grab samples.⁹³ Global violated these requirements, including by failing to collect grab samples within the first hour of discharge from the outfall at least once at the Global Revere Facility.⁹⁴

⁸⁷ See *Detailed Facility Report for Global South Terminal (110008062595)*, *supra* note 57; see *Detailed Facility Report for Global Petroleum Terminal (110043159961)*, *supra* note 66; see *Detailed Facility Report for Chelsea Sandwich Petroleum Storage Facility (110000311127)*, *supra* note 57.

⁸⁸ See *Detailed Facility Report for Global South Terminal (110008062595)*, *supra* note 57; see *Detailed Facility Report for Global Petroleum Terminal (110043159961)*, *supra* note 66.

⁸⁹ *Id.*

⁹⁰ See *Detailed Facility Report for Chelsea Sandwich Petroleum Storage Facility (110000311127)*, *supra* note 57; see *Detailed Facility Report for Global South Terminal (110008062595)*, *supra* note 57.

⁹¹ 2022 Revere Permit at 13-14.

⁹² 2022 Revere Permit at 23

⁹³ 2022 Chelsea Permit at 7; 2014 Chelsea Permit at 12; 2022 Revere Permit at 7; 2014 Global South Permit at 7; 2014 Global Petroleum Permit at 6-7.

⁹⁴ Thomas F. Keefe, *RE: 2022 Annual NPDES Permit Compliance Certification*, Global Companies, LLC, (Nov. 21, 2022),

<https://static1.squarespace.com/static/564f886fe4b0d68d541be759/t/6447de702b28777ddc416a1a/1682431600398/2022+REV+South+NPDES+Permit+Annual+Certification+and+Letter.pdf>.

3. *Global has violated, is violating, and will continue to violate the Permits' annual SWPPP certification requirements.*

Based on public records retrieved from EPA through a FOIA request, Global failed to submit required annual SWPPP certifications at least once for the Chelsea Sandwich Facility, and Global submitted annual SWPPP certifications late at least once for the Chelsea Sandwich Facility and at least once for the Global Revere Facility.

DATES OF THE VIOLATIONS

Each day Global operated the Facilities while failing to comply with the terms of the Permits constitutes a separate and distinct violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

The Facilities have violated the Permits' prohibitions against causing water quality standard violations, thereby also violating Section 301(a) of the CWA, 33 U.S.C. § 1311(a), on every day on which it has discharged pollutants, including PAHs, heavy metals, ammonia, benzene, chlorine, pH, TPH, and TSS, separately and/or in combination, in a manner to cause violations of state water quality standards, including but not limited to 314 CMR 4.06(5) and 314 CMR 4.05(4)(b).

The Chelsea Sandwich Facility has not been in compliance with the Permits since at least May 2019. The Global Revere Facility has not been in compliance with the Permits since at least May 2019.

Global's CWA violations are ongoing and continuous. Barring a change in the discharge and treatment of effluent at the Facilities and full compliance with the permitting requirements of the Clean Water Act, Global's violations will continue indefinitely.

RELIEF REQUESTED

Global is liable for the above-described violations. Each separate violation of the Clean Water Act subjects the violator to a penalty of up to \$66,712 per day per violation for all violations occurring after November 2, 2015, where penalties are assessed on or after December 27, 2023, pursuant to sections 309(d) and 505(a) of the CWA, 33 U.S.C. §§ 1319(d), 1365(a); and 40 C.F.R. §§ 19.1–19.4. CLF will seek the full penalties allowed by law.

In addition to civil penalties, CLF will seek declaratory relief and injunctive relief to prevent further violations of the Clean Water Act pursuant to Sections 505(a), 33 U.S.C. § 1365(a), and such other relief as permitted by law. CLF will seek an order from the Court requiring Global to correct all identified violations through direct implementation of control measures and demonstration of full regulatory compliance.

Lastly, pursuant to Section 505(d) of the Act, 33 U.S.C. § 1365(d), CLF will seek recovery of costs and fees associated with this matter.

CONCLUSION

Additional information, including information in Global's possession, may reveal further details about the violations described above, as well as details about additional violations of the Clean Water Act. This letter covers all such violations, as well as additional violations of a similar nature that occur during the 60-day notice period.

During the 60-day notice period, CLF would be pleased to discuss this matter, including effective remedies for the violations noted in this letter that may avoid the necessity of further litigation. If you wish to pursue such discussions, if you believe any of the above information is incorrect, or if you have any questions about this notice, please have your attorney contact me at (617) 850-1765 within the next 20 days so that negotiations may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing at the conclusion of the 60 days.

Sincerely,



Heather Govern, Esq.
Conservation Law Foundation
62 Summer Street
Boston, MA 02210
hgovern@clf.org
617-850-1765

cc:

Michael S. Regan, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

David W. Cash, EPA Region 1 Administrator
Environmental Protection Agency
5 Post Office Square, Ste. 100
Boston, MA 02109-3912

Bonnie Heiple, Commissioner
Massachusetts Department of Environmental Protection
1 Winter Street
Boston, MA 02108-4746

Citizen Suit Coordinator
Environment and Natural Resources Division
Law and Policy Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Matthew J. Connolly, Esq.
Counsel for Global
Nutter, McClennen & Fish, LLP
155 Seaport Boulevard
Boston, MA 02210