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# Citizen Suit Enforcement: U.S. District Court Action (N.D. New York) Alleging Clean Air Act Violations By Albany, New York Petroleum Product Transloading Facility

## Arkansas Environmental, Energy, and Water Law Blog

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The County of Albany, New York, Sierra Club, Center for Biological Diversity and other groups (collectively, "Sierra Club") filed a February 3<sup>rd</sup> Complaint for Declaratory and Injunctive Relief and Civil Penalties ("Complaint") in the United States District Court for the Northern District of New York against Global Companies, LLC.

The Complaint alleges violations of the Clean Air Act and New York's State Implementation Plan ("SIP") by Global Companies, LL ("Global") in connection with its modification and operation of a petroleum product transloading facility ("Terminal") in Albany, New York.

The violations alleged in the Complaint include:

- An increase in marine throughput of petroleum product at the Terminal resulting in an increase of VOCs such that Global failed to apply for and obtain an NNSR permit in violation of the Clean Air Act and New York's SIP
- Receipt of crude oil from the Bakken region of North Dakota violating the facility's Title V permit because such product is stated to have higher emissions of VOCs than is authorized by the air permit

The Plaintiffs seek:

- Declaratory judgment that Global violated the Clean Air Act and New York's SIP by commencing construction of a major modification resulting in a fivefold increase in marine loading of petroleum product at the Terminal without first applying for and obtaining a NNSR permit
- Mandatory injunction compelling Global to apply for a NNSR permit
- Declaratory judgment that Global has violated and continues to violate the Clean Air Act and New York's SIP by operating the Terminal without implementing LAER for VOCs and without obtaining VOC emission offsets
- Declaratory judgment that Global is violating and continues to violate the Title V permit by receiving, storing, handling, and marine loading Bakken crude oil at the Terminal that has a VOC emission factor greater than allowed by the Permit
- Injunctive relief prohibiting Global from receiving, storing, handling, and marine loading Bakken crude oil at the Terminal that has a VOC emission factor greater than allowed by the Title V permit

- Judgment for civil penalties
- Judgment for costs of litigation, etc.

[Click here to download a copy of the Complaint.](#)