

## BUCKEYE TERMINALS, LLC

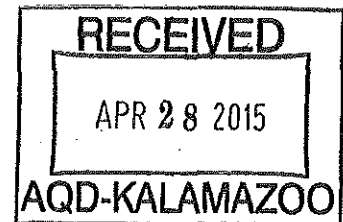
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Five Tek Park  
9999 Hamilton Blvd.  
Breinigsville, PA 18031  
Tel (610) 904-4000  
Fax (610) 904-4549

April 24, 2015

Matt Deskins  
Environmental Quality Analyst  
Michigan Department of Environmental Quality  
Air Quality Division  
7953 Adobe Road  
Kalamazoo, Michigan 49009

**Re: Request for Withdrawal of NOV**  
Buckeye Terminals, LLC – Niles Terminal  
2303 South 3rd Street, Niles, Michigan  
SRN: B9132; Permit No.: 194-10  
NOV Response



Dear Mr. Deskins;

Buckeye Terminals, LLC (Buckeye) is submitting this response to the Notice of Violation (NOV) sent to the Buckeye Niles Terminal located at 2303 South 3rd Street, Niles, Michigan on March 30, 2015. The NOV states that during an inspection conducted on March 12, 2015 by the Michigan Department of Environmental Quality (MDEQ), the inspector reported that the facility was in violation of Rule 336.1201 ("Rule 201") as there was no permit to install (PTI) obtained by the facility prior to the installation of the 90,000 gallon butane storage tank/ vessel. According to the NOV, if the facility believes the observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, that they must provide appropriate information to explain that position. Buckeye believes the statements in the NOV are inaccurate and is submitting this letter to provide information to support their position.

A letter of notice documenting that the tank is exempt from the requirements to obtain a PTI was sent to the MDEQ by EnviroSpec Engineering, PLLC (EnviroSpec) on behalf of Buckeye on February 24, 2014. In this letter, it documented that the tank was exempt from obtaining a permit to install pursuant to Michigan Administrative Code R.336.1290 ("Rule 290"), subsection (a)(i), which states that emission units emitting uncontrolled non-carcinogenic air contaminants below 1,000 pounds per month are not required to obtain an permit to install.

Furthermore, it was Buckeye's understanding that per Rule 278a, any person owning or operating an exempt process or exempt process equipment shall be able to provide information demonstrating the applicability of the exemption within 30 days of a written request from the department. After the March 2015 inspection, no written request was received by the facility and 30 days for a response was not provided.

In accordance with Rule 290, emissions from the storage tank are tracked on site and have been zero, as the tank is under pressure and does not vent to atmosphere. Emissions from additional facility fugitives associated with the installation of the tank are currently tracked with other facility fugitives. In the future, the letter of notice that was sent to MDEQ will be made available during subsequent inspections to document which portion of the overall facility fugitives are associated with the Rule 290 operation.

The above information demonstrates all relevant MDEQ air permit regulations for the subject storage tank were complied with. As such, Buckeye requests that this NOV is withdrawn from the record.

Thank you for your assistance and cooperation. Should you have any questions please feel free to contact me at (610) 904-4017 or at [kocheski@buckeye.com](mailto:kocheski@buckeye.com).

Respectfully,



Keith Ocheski  
Sr. Manager, Air Compliance  
Buckeye Partners, L.P.

cc: Mac Meade – HSSE Specialist