

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
Conservation Law Foundation, Inc.,)	
)	Case No. _____
Plaintiff,)	
)	COMPLAINT FOR
v.)	DECLARATORY AND INJUNCTIVE
)	RELIEF AND CIVIL PENALTIES
Global GP LLC; Global Partners LP;)	
Global Operating LLC; Chelsea Sandwich)	
LLC; and Global Companies LLC,)	
)	
Defendants.)	
_____)	

INTRODUCTION

1. This is a citizen suit brought by Plaintiff, Conservation Law Foundation, Inc. (“Plaintiff” or “CLF”), on behalf of its individual members, under Section 505 of the Federal Water Pollution Control Act (“Clean Water Act” or “CWA,”), 33 U.S.C. § 1365(a), to address Clean Water Act violations at two oil terminals: (1) the Chelsea Sandwich Petroleum Storage Facility, located at 11 Broadway, Chelsea, MA 02150 (the “Chelsea Sandwich Terminal”); and (2) the “Global Revere Terminal” located at 140 Lee Burbank Highway, Revere, MA 02151 (collectively, the “Terminals”).

2. The Terminals are owned and operated by Global Partners LP (“Global Partners”); its general partner, Global GP LLC (“Global GP”); its subsidiaries Global Operating LLC (“Global Operating”), Chelsea Sandwich LLC (“Chelsea Sandwich”), and Global Companies LLC (“Global Companies”); and/or their agents and directors (collectively, “Global” or “Defendants”).

3. Global is discharging pollutants including polycyclic aromatic hydrocarbons (“PAHs”)

and heavy metals from these two Terminals into Chelsea River (also known as Chelsea Creek).

4. Global operates the Chelsea Sandwich Terminal subject to National Pollutant Discharge Elimination System (“NPDES”) Permit No. MA0003280, which took effect December 1, 2022 (the “2022 Chelsea Permit”).

5. Global operated the Chelsea Sandwich Terminal from September 24, 2014 to November 30, 2022 subject to NPDES Permit No. MA0003280 (“the 2014 Chelsea Permit”).

6. Global operates the Global Revere Terminal subject to NPDES Permit No. MA0000825, which took effect December 1, 2022 (the “2022 Revere Permit”).

7. Global operated the portion of the Global Revere Terminal formerly named Global South from September 24, 2014 to November 30, 2022 subject to NPDES Permit No. MA0000825 (the “2014 Global South Permit”).

8. Global operated the portion of the Global Revere Terminal formerly named Global Petroleum Terminal from September 24, 2014 to November 30, 2022 subject to NPDES Permit No. MA0003425 (the “2014 Global Petroleum Permit”).

9. Global has discharged and continues to discharge effluent into waters of the United States in violation of the 2022 Chelsea Permit, the 2014 Chelsea Permit, the 2022 Revere Permit, the 2014 Global South Permit, and the 2014 Global Petroleum Permit (collectively, the “NPDES Permits” or the “Permits”): (1) by violating the Permits’ effluent limitations for pollutants including polycyclic aromatic hydrocarbons (“PAHs”), heavy metals, ammonia, benzene, chlorine, pH, total petroleum hydrocarbons (“TPH”), and total suspended solids (“TSS”); (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.

10. CLF seeks declaratory judgment, injunctive relief, and other relief with respect to the Defendants' violations of their NPDES permits, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), and applicable regulations.

JURISDICTION AND VENUE

11. Plaintiff brings this civil suit under the citizen suit provision of Section 505 of the Clean Water Act, 33 U.S.C. § 1365.

12. This Court has subject matter jurisdiction over the parties and this action pursuant to Section 505(a)(1) of the Clean Water Act, 33 U.S.C. § 1365(a)(1); 28 U.S.C. § 1331 (an action arising under the Constitution and laws of the United States); and 28 U.S.C. §§ 2201 and 2202 (declaratory judgment).

13. On May 9, 2024, Plaintiff notified Global and its agents of its intention to file suit for violations of the Clean Water Act, in compliance with the statutory notice requirements of Section 505(b)(1)(A) of the Clean Water Act, 33 U.S.C. § 1365(b)(1)(A), and the corresponding regulations located at 40 C.F.R. § 135.2.

14. A true and accurate copy of Plaintiff's Notice Letter ("Notice Letter") is appended as Exhibit 1. The Notice Letter is incorporated by reference herein.

15. Each Defendant received the Notice Letter. A copy of each return receipt is attached as Exhibit 2.

16. Plaintiff also sent copies of the Notice Letter to the Administrator of the United States Environmental Protection Agency ("U.S. EPA"), the Acting Regional Administrator of U.S. EPA Region 1, the Citizen Suit Coordinator, the Massachusetts Department of Environmental Protection ("MassDEP"), and Global's counsel.

17. Each of the addressees identified in the preceding paragraph received the Notice Letter. A

copy of each return receipt is attached as Exhibit 3.

18. More than sixty days have elapsed since Plaintiff mailed its Notice Letter, during which time neither U.S. EPA nor the Commonwealth of Massachusetts has commenced an action to redress the violations alleged in this Complaint. 33 U.S.C. § 1365(b)(1)(B).

19. The Clean Water Act violations alleged in the Notice Letter are of a continuing nature, ongoing, or reasonably likely to re-occur. The Defendants remain in violation of the Clean Water Act.

20. Venue is proper in the United States District Court for the District of Massachusetts pursuant to Section 505(c)(1) of the Clean Water Act, 33 U.S.C. § 1365(c)(1), because the sources of the violations are located within this judicial district.

PARTIES

Plaintiff

21. Plaintiff CLF is a nonprofit, member-supported, regional environmental advocacy organization dedicated to protecting New England's environment.

22. CLF has a long history of working to protect the health of New England's water resources, including addressing sources of industrial stormwater pollution.

23. CLF has over 5,691 members, including over 3,046 members in Massachusetts. CLF's members use and enjoy the waters of Massachusetts, including the Chelsea River, for recreational and aesthetic purposes, including but not limited to boating, swimming, fishing, and observing wildlife.

24. CLF's members include individuals who live and spend time near and on the Chelsea River. CLF's members have used and enjoyed the Chelsea River near Defendants' Terminals for recreational purposes, including kayaking, fishing, and observing birds and other wildlife; as well as for aesthetic purposes. CLF's members also regularly enjoy looking out over Chelsea

River and observing birds and wildlife in and near Mary O'Malley State Park and the Condor Street Urban Wild, which are next to Defendants' Chelsea Sandwich Terminal.

25. CLF's members include individuals who have been and continue to be directly and adversely affected by the degradation of water quality in the Chelsea River.

Defendants

26. Defendant Global GP is a limited liability company incorporated under the laws of Delaware.

27. Global GP is the general partner of Global Partners.

28. Global GP employs Global Partners' officers and substantially all of its personnel, including those who control or have access to the Terminals.

29. Global GP participates in and exercises control over the operations and activities of Global Partners, Global Operating, Chelsea Sandwich, and Global Companies.

30. Global GP is liable for the Clean Water Act violations of Global Operating, Chelsea Sandwich, and Global Companies.

31. Defendant Global Partners is a limited partnership incorporated under the laws of Delaware.

32. Global Partners participates in and exercises control over the operations and activities of Global Operating, Chelsea Sandwich, and Global Companies.

33. Global Partners exercises control over the operation and the environmental compliance of the Terminals, including their compliance with the Clean Water Act.

34. Employees of Global Partners actively participate in and/or exercise control over the operation of the Terminals.

35. Defendant Global Partners is liable for the Clean Water Act violations of Global GP,

Global Operating, Chelsea Sandwich, and Global Companies.

36. Defendant Global Operating is a limited liability company incorporated under the laws of Delaware.

37. Global Operating participates in and exercises control over Chelsea Sandwich and Global Companies.

38. Defendant Global Operating is liable for the Clean Water Act violations of Chelsea Sandwich and Global Companies.

39. Defendant Chelsea Sandwich is a limited liability company incorporated under the laws of Delaware.

40. Chelsea Sandwich is a wholly owned subsidiary of Global Operating.

41. Chelsea Sandwich and/or its parent companies operate the Chelsea Sandwich Terminal and have operated it since at least 2019.

42. Chelsea Sandwich is responsible for ensuring that the Chelsea Sandwich Terminal operates in compliance with the Clean Water Act.

43. Defendant Global Companies is a limited liability company incorporated under the laws of Delaware.

44. Global Companies is a wholly owned subsidiary of Global Operating.

45. Global Companies and/or its parent companies operate the Global Revere Terminal and have operated it since at least 2019.

46. Global Companies is responsible for ensuring that the Global Revere Terminal operates in compliance with the Clean Water Act.

47. Defendants Global GP, Global Partners, Global Operating, Chelsea Sandwich, and Global Companies are all persons as defined by Section 502(5) of the Clean Water Act, 33

U.S.C. 1362(5).

STATUTORY AND REGULATORY BACKGROUND

The Clean Water Act and the NPDES Program

48. The objective of the Clean Water Act is “to restore and maintain the chemical, physical and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251(a) (1972).

49. The Clean Water Act prohibits the addition of any pollutant to navigable waters from any point source except as authorized by a National Pollutant Discharge Elimination System (“NPDES”) permit applicable to that point source. 33 U.S.C. §§ 1311(a) and 1342.

50. Under the Clean Water Act’s implementing regulations, the “discharge of a pollutant” is defined as “[a]ny addition of any ‘pollutant’ or combination of pollutants to ‘waters of the United States’ from any ‘point source.’” 40 C.F.R. § 122.2; *see also* 33 U.S.C. § 1362(12).

51. A “pollutant” is any “solid waste,” “chemical wastes, biological materials,” “rock, sand,” and “industrial . . . waste” discharged into water. 33 U.S.C. § 1362(6).

52. The Clean Water Act defines navigable waters as “the waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7). “Waters of the United States” are defined by U.S. EPA regulations to include, *inter alia*, all tributaries to interstate waters. See 40 C.F.R. § 122.2.

53. “Point source” is defined broadly to include, “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, [or] conduit . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).

54. U.S. EPA may issue a NPDES permit for the discharge of any pollutant or combination of pollutants into navigable waters upon the condition that such discharge will meet the requirements of the CWA and any conditions set by U.S. EPA. 33 U.S.C §1342(a)(1), (4).

55. In order to lawfully discharge pollutants, dischargers must obtain coverage under a NPDES permit and comply with its terms. 33 U.S.C. §§ 1311(a), 33 U.S.C. § 1342(a).

56. The 2022 Chelsea Permit, the 2014 Chelsea Permit, the 2022 Global Petroleum Permit, the 2014 Global South Permit, and the 2014 Global Petroleum Permit are all NPDES Permits issued by U.S. EPA pursuant to Sections 402(a) of the CWA. 33 U.S.C. § 1342(a).

57. The NPDES permit program established by the CWA furthers the goal to restore the “chemical, physical, and biological integrity of the Nation’s waters” by, among other things, eliminating discharges of pollutants into navigable waters, prohibiting discharge of toxic pollutants, protecting fish, shellfish, and wildlife, and providing for recreation. 33 U.S.C. § 1251.

58. NPDES permits for pollutants establish effluent and narrative limitations to control discharges of pollutants to receiving waters.

59. NPDES permits incorporate state water quality standards for all affected states. 40 C.F.R. § 122.44(d).

60. Section 303(d) of the CWA requires each state to “identify those waters within its boundaries for which the effluent limitations required by [the CWA] are not stringent enough to implement any water quality standard applicable to such waters.” 33 U.S.C. § 1313(d)(1)(A). States must establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters, and submit the list to U.S. EPA (the 303(d) list). 33 U.S.C. § 1313(d)(1)(B); (d)(2).

Citizen Enforcement Suits Under the Clean Water Act

61. The Clean Water Act authorizes citizen enforcement actions “against any person . . . who is alleged to be in violation of . . . an effluent standard or limitation . . . or an order issued by the Administrator or a State with respect to such a standard or limitation.” 33 U.S.C. § 1365(a)(1).

62. An “effluent limitation” is “any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance.” 33 U.S.C. § 1362(11).

63. Such enforcement action under Section 505(a)(1) of the Clean Water Act includes an action seeking remedies for unauthorized discharges under Section 301 of the Clean Water Act, 33 U.S.C § 1311, as well as for violations of a permit condition under Section 505(f), 33 U.S.C. § 1365(a)(1), (f).

64. Each separate violation of the Clean Water Act subjects the violator to a penalty of up to \$66,712 per day, the maximum amount allowed pursuant to Sections 309(d) and 505(a) of the Clean Water Act, 33 U.S.C. §§ 1319(d), 1365(a). *See also* 40 C.F.R. §§ 19.1–19.4.

FACTUAL BACKGROUND

The Terminals’ NPDES Permits

65. Defendants are required to comply with the requirements of the 2022 Chelsea Permit and the 2022 Revere Permit (collectively, the “2022 Permits”), and have been required to do so since December 1, 2022.

66. Defendants were required to comply with the requirements of the 2014 Chelsea Permit from September 24, 2014 to November 30, 2022.

67. Defendants were required to comply with the requirements of the 2014 Global South Permit and the 2014 Global Petroleum Permit from September 24, 2014 to November 30, 2022.

68. Pollutants from the Chelsea Sandwich Terminal travel through internal Outfall 002 and are discharged into Chelsea River via Outfall 001.

69. Pollutants from the Global Revere Terminal travel through internal Outfall 003 and are discharged into Chelsea River via Outfalls 001 and 002.

70. Outfall 001 at the Chelsea Sandwich Terminal and Outfalls 001 and 002 at the Global Revere Terminals are all “point source[s]” within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362(14).

The Chelsea River

71. The Terminals discharge pollutants into the Chelsea River (Waterbody ID: MA71-06).

72. Chelsea River is designated by the Massachusetts Department of Environmental Protection (“MassDEP”) as a Class SB waterbody pursuant to 314 CMR 4.06(1), 314 CMR 4.06(2), 4.06(6)(b).

73. The Chelsea River is a navigable water within the meaning of the Clean Water Act. 33 U.S.C. § 1362(7); 40 C.F.R. § 120.2(a).

74. The Chelsea Rivers’ designated uses include aesthetic use; fish consumption; fish, other aquatic life and wildlife; primary contact recreation; secondary contact recreation; and shellfish harvesting.

75. Chelsea River (Waterbody ID: MA71-06) was listed as impaired on the 2022 303(d) list for all its designated uses, including aquatic life from ammonia and petroleum hydrocarbons; primary and secondary contact recreation and aesthetic use from debris, odor, petroleum hydrocarbons, trash, and turbidity; fish consumption from PCBs in fish tissue; and shellfish harvesting from fecal coliform.

76. Chelsea River (Waterbody ID: MA71-06) was listed on the 2016 and 2020 303(d) list as impaired for all of its designated uses due to debris, ammonia, fecal coliform, odor, PCBs in fish tissue, petroleum hydrocarbons, trash, and turbidity.

77. According to the 2022, 2020, and 2016 U.S. EPA Waterbody Reports for the Chelsea River, probable sources contributing to the impairment of Chelsea River include above-ground

storage tank leaks from tank farms, accidental releases or spills, contaminated sediments, and industrial point source discharges.

78. In 2018, MassDEP prepared a Total Maximum Daily Load (“TMDL”) Analysis for the Boston Harbor, Weymouth-Weir, and Mystic Watersheds, which includes the Chelsea River, addressing enterococcus, *E. coli*, and fecal coliform.

79. According to the TMDL Report, primary contact recreation, secondary contact recreation, and aesthetics are impaired in part because of petroleum releases and spills to the Chelsea River. U.S. EPA, Final Pathogen TMDL for the Boston Harbor, Weymouth-Weir, and Mystic Watersheds (October 2018) at 48.

The Terminals and Their Operations and Discharges

80. Defendants have operated and continue to operate a petroleum storage facility at 11 Broadway, Chelsea, MA 02150 (the “Chelsea Sandwich Terminal”).

81. Defendants have operated and continue to operate a petroleum storage facility at 140 Lee Burbank Highway, Revere, MA 02151 (the “Global Revere Terminal”).

82. The Terminals receive deliveries of bulk quantities of petroleum products (including gasoline, diesel, heating oil, ethanol, and/or fuel additives) via ship, barge, or tanker truck.

83. Petroleum products are piped into and stored in above-ground storage tanks at the Terminals’ tank farms.

84. The petroleum products at the Global Revere Terminal are blended with additives at the truck loading site.

85. The Chelsea Sandwich Terminal can store around 28 million gallons of petroleum products.

86. The Global Revere Terminal can store around 35 million gallons of petroleum products.

87. The stored petroleum products are distributed from above-ground storage tanks at the Terminals to tanker trucks at truck loading racks or to vessels.
88. Defendants operate a groundwater treatment system at the Chelsea Sandwich Terminal to remediate groundwater contaminated by fuel oil from a historic spill.
89. Contaminated groundwater at the Chelsea Sandwich Terminal is pumped from recovery wells to a treatment system, and then discharged through Outfall 001 into Chelsea River.
90. The Chelsea Sandwich Terminal discharges boiler blowdown and steam condensate from the boilers used to heat buildings on-site.
91. Boiler blowdown is water with high mineral salt concentrations that is withdrawn daily from a boiler as part of maintenance. It contains pollutants, including metals and any water softeners added to the boiler.
92. The boiler blowdown is discharged from the Chelsea Sandwich Terminal through Outfall 001 into Chelsea River.
93. The Terminals periodically test their storage tanks and pipes for leaks by filling them with high pressure water and monitoring pressure drops over time (hydrostatic testing).
94. Following hydrostatic testing, the Terminals treat and discharge the hydrostatic test water, which contains pollutants including hydrocarbons and residual chlorine, into the Chelsea River.
95. Defendants discharge treated groundwater, boiler blowdown, hydrostatic test water, and/or stormwater from the Terminals directly into Chelsea River.
96. At the Global Revere Terminal, contaminated groundwater which has infiltrated the system is treated, sampled at Outfall 003, and then discharged through Outfall 002 into the Chelsea River.

97. During every measurable precipitation event and instance of snowmelt, water flows onto and over exposed materials and accumulated pollutants at the Terminals, generating stormwater runoff.

98. U.S. EPA considers precipitation above 0.1 inches a measurable precipitation event. 40 C.F.R. § 122.26(c)(i)(E)(6).

99. Upon information and belief, a measurable precipitation event is sufficient to generate runoff from the Terminals.

100. Catch basins and drains across the Terminals, including at the tank farms and under the truck loading racks, collect stormwater runoff.

101. The runoff from the Terminals 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 discharged into the Chelsea River.

DEFENDANTS' VIOLATIONS OF THE CLEAN WATER ACT

Numeric Effluent Violations

102. The NPDES Permits place limitations on the quantities and concentrations of pollutants that Global is legally permitted to discharge into Chelsea River from the Terminals' outfalls by setting numeric effluent limitations for pollutants including PAHs, heavy metals, chlorine, ammonia, and TSS.

103. The Terminals have discharged, and continue to discharge, pollutants (including but not limited to PAHs, heavy metals, chlorine, TSS, petroleum hydrocarbons, acidic effluent, ammonia, and benzene) that have contributed to, and will continue to contribute to, degradation of the Chelsea River, including the violation of state water quality standards.

Defendants' violations of the Permits' effluent limitations for polycyclic aromatic hydrocarbons (PAHs)

104. Global discharges PAHs from the Terminals into the Chelsea River.

105. PAHs are toxic carcinogenic compounds created by the incomplete burning of oil, gas, coal, and other organic substances. PAHs persist in the environment, bioaccumulate in fish and other aquatic life, build up in sediment, and enter the air as aerosols.

106. PAHs can bioconcentrate in fish and shellfish by a factor of up to 100,000. 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. 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.

107. PAHs are 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).

108. The 2022 Chelsea Permit and the 2022 Revere Permit include the following monthly average 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; and 0.013 µg/L for benzo(k)fluoranthene.

109. The 2022 Chelsea Permit includes a monthly average numeric effluent limitation of 0.13 µg/L for chrysene.

110. In the 2022 Chelsea Permit and the 2022 Revere Permit, U.S. EPA states that the expected minimum level (“ML”) for benzo(a)pyrene, benzo(a)anthracene, benzo(b)fluoranthene,

benzo(k)fluoranthene, and chrysene is 0.05 µg/L.

111. In the 2022 Permits, U.S. EPA states that the expected minimum level for dibenzo(a,h)anthracene and indeno(1,2,3-cd)pyrene is 0.1 µg/L

112. For any PAHs with a numeric effluent limit smaller than the minimum level, the 2022 Permits set a compliance level of non-detect.

113. Any detectable discharge of PAHs and/or any discharge of PAHs which is above the actual minimum level as reported on Global's DMRs is a violation of the 2022 Permits.

114. Since 2023, Global's monitoring data for the Chelsea Sandwich Terminal has revealed at least 22 violations of the monthly average effluent limits for PAHs in the 2022 Chelsea Permit, as detailed in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
115.	Benzo(k)fluoranthene	4/30/2024	001	0.05 µg/L	0.0671 µg/L	134%
116.	Benzo(b)fluoranthene	4/30/2024	001	0.05 µg/L	0.117 µg/L	234%
117.	Benzo(a)pyrene	4/30/2024	001	0.05 µg/L	0.0678 µg/L	136%
118.	Benzo(a)anthracene	2/29/2024	001	0.0013 µg/L	0.048 µg/L ¹	3,692%
119.	Benzo(b)fluoranthene	2/29/2024	001	0.0013 µg/L	0.105 µg/L	8,077%
120.	Indeno(1,2,3-cd)pyrene	2/29/2024	001	0.0013 µg/L	0.0587 µg/L ²	4,515%
121.	Benzo(a)anthracene	1/31/2024	001	0.0013 µg/L	0.127 µg/L	9,769%
122.	Benzo(a)anthracene	12/31/2023	001	0.0013 µg/L	0.0711 µg/L	5,469%
123.	Benzo(a)pyrene	12/31/2023	001	0.00013 µg/L	0.12 µg/L	92,308%
124.	Benzo(b)fluoranthene	12/31/2023	001	0.0013 µg/L	0.182 µg/L	14,000%
125.	Benzo(k)fluoranthene	12/31/2023	001	0.013 µg/L	0.0937 µg/L	721%
126.	Chrysene	12/31/2023	001	0.13 µg/L	0.151 µg/L	116%

¹ Global self-reported a ML of 0.0463 for this pollutant during the 2/29/2024 reporting period.

² Global self-reported a ML of 0.0463 for this pollutant during the 2/29/2024 reporting period.

127.	Indeno(1,2,3-cd)pyrene	12/31/2023	001	0.0013 µg/L	0.122 µg/L	9,385%
128.	Benzo(a)anthracene	10/31/2023	001	0.0013 µg/L	0.0489 µg/L ³	3,762%
129.	Benzo(a)pyrene	10/31/2023	001	0.00013 µg/L	0.0526 µg/L	40,462%
130.	Benzo(b)fluoranthene	10/31/2023	001	0.0013 µg/L	0.0531 µg/L	4,085%
131.	Benzo(a)pyrene	9/30/2023	001	0.00013 µg/L	0.0533 µg/L	41,000%
132.	Benzo(b)fluoranthene	9/30/2023	001	0.0013 µg/L	0.0597 µg/L	4,592%
133.	Benzo(a)anthracene	6/30/2023	001	0.0013 µg/L	0.0623 µg/L	4,792%
134.	Benzo(b)fluoranthene	6/30/2023	001	0.0013 µg/L	0.058 µg/L	4,462%
135.	Benzo(b)fluoranthene	3/31/2023	001	0.0013 µg/L	0.0517 µg/L	3,977%
136.	Benzo(b)fluoranthene	1/31/2023	001	0.0013 µg/L	0.061 µg/L	4,692%

137. Since 2023, Global's monitoring data for the Global Revere Terminal has revealed at least 28 violations of the monthly average effluent limits for PAHs in the 2022 Revere Permit, as detailed in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
138.	Benzo(a)anthracene	3/31/2024	002	0.0013 µg/L	1.255 µg/L	96,538%
139.	Benzo(a)pyrene	3/31/2024	002	0.00013 µg/L	1.82 µg/L	1,400,000 %
140.	Benzo(b)fluoranthene	3/31/2024	002	0.0013 µg/L	3.445 µg/L	265,000%
141.	Benzo(k)fluoranthene	3/31/2024	002	0.013 µg/L	1.4 µg/L	10,769%
142.	Dibenzo(a,h)-anthracene	3/31/2024	002	0.00013 µg/L	0.57 µg/L	438,462%
143.	Indeno(1,2,3-cd)pyrene	3/31/2024	002	0.0013 µg/L	1.86 µg/L	143,077%
144.	Benzo(a)anthracene	1/31/2024	002	0.0013 µg/L	0.0717 µg/L	5,515%
145.	Benzo(a)pyrene	1/31/2024	002	0.00013 µg/L	0.112 µg/L	86,154%

³ Global self-reported a ML of 0.0463 for this pollutant during the 10/31/2023 reporting period.

146.	Benzo(b)fluoranthene	1/31/2024	002	0.0013 µg/L	0.226 µg/L	17,385%
147.	Benzo(k)fluoranthene	1/31/2024	002	0.013 µg/L	0.085 µg/L	654%
148.	Indeno(1,2,3-cd)pyrene	1/31/2024	002	0.0013 µg/L	0.102 µg/L	7,846%
149.	Benzo(a)anthracene	12/31/2023	002	0.0013 µg/L	0.0592 µg/L	4,554%
150.	Benzo(a)pyrene	12/31/2023	002	0.00013 µg/L	0.0731 µg/L	56,231%
151.	Benzo(b)fluoranthene	12/31/2023	002	0.0013 µg/L	0.0981 µg/L	7,546%
152.	Benzo(k)fluoranthene	12/31/2023	002	0.013 µg/L	0.0694 µg/L	534%
153.	Indeno(1,2,3-cd)pyrene	12/31/2023	002	0.0013 µg/L	0.0684 µg/L	5,262%
154.	Benzo(a)pyrene	9/30/2023	002	0.00013 µg/L	0.0572 µg/L	44,000%
155.	Benzo(b)fluoranthene	9/30/2023	002	0.0013 µg/L	0.0664 µg/L	5,108%
156.	Dibenzo(a,h)-anthracene	9/30/2023	002	0.00013 µg/L	0.0651 µg/L	50,077%
157.	Indeno(1,2,3-cd)pyrene	9/30/2023	002	0.0013 µg/L	0.07 µg/L	5,385%
158.	Benzo(a)anthracene	3/31/2023	001	0.0013 µg/L	0.0517 µg/L	3,977%
159.	Benzo(b)fluoranthene	3/31/2023	001	0.0013 µg/L	0.0681 µg/L	5,238%
160.	Benzo(b)fluoranthene	3/31/2023	002	0.0013 µg/L	0.0521 µg/L	4,008%
161.	Benzo(a)anthracene	2/28/2023	002	0.0013 µg/L	0.091 µg/L	7,000%
162.	Benzo(a)pyrene	2/28/2023	002	0.00013 µg/L	0.0799 µg/L	61,462%
163.	Benzo(b)fluoranthene	2/28/2023	002	0.0013 µg/L	0.223 µg/L	17,154%
164.	Benzo(k)fluoranthene	2/28/2023	002	0.013 µg/L	0.0747 µg/L	575%
165.	Indeno(1,2,3-cd)pyrene	2/28/2023	002	0.0013 µg/L	0.105 µg/L	8,077%

Defendants' violations of the Permits' effluent limitations for heavy metals

166. Global discharges copper, iron, and zinc from the Terminals into the Chelsea River.

167. Copper, iron, and zinc are toxic, endanger human and animal health, and imperil aquatic ecosystems. Exposure to metals in drinking water can cause serious health issues. Copper and zinc bioaccumulate throughout the food chain, endangering predator species.

168. The 2022 Permits include the following daily maximum numeric effluent limitations for metals: 5.8 µg/L for copper; and 95.1 µg/L for zinc.

169. The 2022 Revere Permit includes a daily maximum numeric effluent limitation for iron of 300 µg/L.

170. Since 2023, Global's monitoring data for the Chelsea Sandwich Terminal has revealed at least 19 violations of the 2022 Chelsea Permit's daily maximum effluent limits for copper and zinc, as described in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
171.	Copper, total (as Cu)	5/31/2024	001	5.8 µg/L	13.27 µg/L	229%
172.	Zinc, total (as Zn)	5/31/2024	001	95.1 µg/L	95.5 µg/L	100%
173.	Zinc, total (as Zn)	4/30/2024	001	95.1 µg/L	98.7 µg/L	104%
174.	Copper, total (as Cu)	3/31/2024	001	5.8 µg/L	5.97 µg/L	103%
175.	Copper, total (as Cu)	2/29/2024	001	5.8 µg/L	18.1 µg/L	312%
176.	Zinc, total (as Zn)	2/29/2024	001	95.1 µg/L	186 µg/L	196%
177.	Zinc, total (as Zn)	1/31/2024	001	95.1 µg/L	98.5 µg/L	104%
178.	Copper, total (as Cu)	12/31/2023	001	5.8 µg/L	7.12 µg/L	123%
179.	Copper, total (as Cu)	11/30/2023	001	5.8 µg/L	9.01 µg/L	155%
180.	Copper, total (as Cu)	10/31/2023	001	5.8 µg/L	9.94 µg/L	171%
181.	Copper, total (as Cu)	9/30/2023	001	5.8 µg/L	42.6 µg/L	734%
182.	Zinc, total (as Zn)	9/30/2023	001	95.1 µg/L	121 µg/L	127%
183.	Copper, total (as Cu)	8/31/2023	001	5.8 µg/L	7.71 µg/L	133%
184.	Copper, total (as Cu)	7/31/2023	001	5.8 µg/L	6.1 µg/L	105%
185.	Copper, total (as Cu)	6/30/2023	001	5.8 µg/L	9.76 µg/L	168%
186.	Copper, total (as Cu)	5/31/2023	001	5.8 µg/L	5.88 µg/L	101%
187.	Copper, total (as Cu)	3/31/2023	001	5.8 µg/L	7.6 µg/L	131%
188.	Copper, total (as Cu)	2/28/2023	001	5.8 µg/L	11 µg/L	190%
189.	Copper, total (as Cu)	1/31/2023	001	5.8 µg/L	7 µg/L	121%

190. Since 2022, Global's monitoring data for the Global Revere Terminal has revealed at least 14 violations of the 2022 Revere Permit's daily maximum effluent limits for copper, zinc, and iron, as described in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
-----------------	------------------	-----------------------------------	----------------	---------------------	-----------------------	------------------------

191.	Copper, total (as Cu)	3/31/2024	002	5.8 µg/L	15.4 µg/L	266%
192.	Zinc, total (as Zn)	3/31/2024	002	95.1 µg/L	186 µg/L	196%
193.	Copper, total (as Cu)	1/31/2024	002	5.8 µg/L	6.85 µg/L	118%
194.	Zinc, total (as Zn)	1/31/2024	002	95.1 µg/L	107 µg/L	113%
195.	Copper, total (as Cu)	11/30/2023	002	5.8 µg/L	7.04 µg/L	121%
196.	Copper, total (as Cu)	9/30/2023	002	5.8 µg/L	6.21 µg/L	107%
197.	Copper, total (as Cu)	7/31/2023	001	5.8 µg/L	5.66 µg/L	98%
198.	Copper, total (as Cu)	6/30/2023	002	5.8 µg/L	6.69 µg/L	115%
199.	Copper, total (as Cu)	4/30/2023	001	5.8 µg/L	6.02 µg/L	104%
200.	Iron, total (as Fe)	4/30/2023	003	300 µg/L	857 µg/L	286%
201.	Copper, total (as Cu)	3/31/2023	001	5.8 µg/L	8 µg/L	138%
202.	Copper, total (as Cu)	3/31/2023	002	5.8 µg/L	6.8 µg/L	117%
203.	Copper, total (as Cu)	2/28/2023	002	5.8 µg/L	7.5 µg/L	129%
204.	Copper, total (as Cu)	12/31/2022	001	5.8 µg/L	6.2 µg/L	107%

Defendants' violations of the Permits' numeric effluent limitations for ammonia, benzene, chlorine, pH, total petroleum hydrocarbons ("TPHs"), and TSS.

205. Global discharges ammonia, benzene, chlorine, acidic effluent, total petroleum hydrocarbons ("TPHs"), and TSS from the Terminals into the Chelsea River.

206. The 2022 Permits include a daily maximum effluent limit of 1.8 mg/L for ammonia.

207. Since 2023, Global's monitoring data for the Chelsea Sandwich Terminal has revealed at least two violations of the 2022 Chelsea Permit's daily maximum limit for ammonia, as detailed in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
208.	Nitrogen, ammonia total (as N)	10/31/2023	001	1.8 mg/L	5.27 mg/L	293%
209.	Nitrogen, ammonia total (as N)	9/30/2023	001	1.8 mg/L	2.08 mg/L	116%

210. The 2022 Revere Permit and the 2014 Global Petroleum Permit include a daily maximum effluent limit of 5 µg/L for benzene.

211. Since 2019, Global’s monitoring data for the Global Revere Terminal has revealed at least five violations of the daily maximum limit for benzene in the 2022 Revere Permit and the 2014 Global Petroleum Permit.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
212.	Benzene	1/31/2023	002	5 ug/L	5.04 ug/L	101%
213.	Benzene	1/31/2022	002	5 ug/L	6.6 ug/L	132%
214.	Benzene	12/31/2019	002	5 ug/L	8.32 ug/L	166%
215.	Benzene	12/31/2019	002	5 ug/L	7.7 ug/L	154%
216.	Benzene	6/30/2019	002	5 ug/L	6 ug/L	120%

217. The 2022 Permits include a daily maximum effluent limit of 13 µg/L for chlorine.

218. Since 2022, Global’s monitoring data for the Global Revere Terminal has revealed at least three violations of the 2022 Revere Permit’s daily maximum limit for chlorine.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
219.	Chlorine	11/30/2023	002	13 ug/L	325 ug/L	2,500%
220.	Chlorine	9/30/2023	002	13 ug/L	242 ug/L	1,862%
221.	Chlorine	7/31/2023	001	13 ug/L	70 ug/L	538%

222. The 2022 Permits include a minimum pH limit of 6.5 S.U.

223. Since 2023, Global’s monitoring data for the Chelsea Sandwich Terminal has revealed at least one violation of the 2022 Chelsea Permit’s minimum pH limit.

<u>Par. No.</u>	<u>Pollutant Criteria</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Minimum</u>	<u>Measured Value</u>
224.	pH	1/31/2023	001	6.5 S.U.	6.42 S.U.

225. The NPDES Permits include a daily maximum effluent limit of 5 mg/L for total petroleum hydrocarbons (“TPHs”).

226. Since 2021, Global's monitoring data for the Global Revere Terminal pursuant to the 2014 Global Petroleum Permit has revealed at least two violations of the daily maximum limit for TPHs, as detailed in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
227.	Hydrocarbons, total petroleum (TPH)	7/31/2021	003	5 mg/L	5.3 mg/L	106%
228.	Hydrocarbons, total petroleum (TPH)	2/28/2021	003	5 mg/L	42.6 mg/L	852%

229. The NPDES Permits include the following effluent limits for TSS: a daily maximum limit of 100 mg/L and monthly average limit of 30 mg/L.

230. Since 2023, Global's monitoring data has revealed at least two violations of TSS limits at the Chelsea Sandwich Terminal.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Type of Limit</u>	<u>Percent Exceed.</u>
231.	TSS	10/31/2023	001	30 mg/L	75 mg/L	Monthly Average	171%
232.	TSS	10/31/2023	001	30 mg/L	110 mg/L	Monthly Average	250%

233. Since 2020, Global's monitoring data has revealed at least five violations of TSS limits at the Global Revere Terminal.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Type of Limit</u>	<u>Percent Exceed.</u>
234.	TSS	10/31/2023	002	30 mg/L	170.8 mg/L	Monthly Average	569%
235.	TSS	10/31/2023	002	100 mg/L	500 mg/L	Daily Maximum	500%
236.	TSS	3/31/2022	002	30 mg/L	55 mg/L	Monthly Average	183%

237.	TSS	7/31/2021	002	30 mg/L	51.9 mg/L	Monthly Average	173%
238.	TSS	1/31/2020	002	30 mg/L	37.75 mg/L	Monthly Average	126%

Violations of the Massachusetts State Water Quality Standards

239. The NPDES Permits require that discharge from the Terminals shall not cause a violation of the receiving water per the Massachusetts water quality standards. 2022 Chelsea Permit at 15; 2014 Chelsea Permit at 13; 2022 Revere Permit at 27; 2014 Global Revere Permit at 16; 2014 Global South Permit at 12.

240. Defendants' violations of the Massachusetts state water quality standards are violations of the NPDES Permits and of the Clean Water Act.

Massachusetts State Water Quality Standards

241. Massachusetts' state water quality standards require that "[i]n all cases existing uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." 314 CMR 4.04(1).

242. Massachusetts' state water quality standards require that "[a]ll surface waters shall be free from pollutants in concentrations or combinations that 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." 314 CMR 4.05(5)(a).

243. Massachusetts' state water quality standards require that "[a]ll surface waters shall be free from pollutants in concentrations or combinations or from alterations that adversely affect the physical or chemical nature of the bottom, interfere with the propagation of fish or shellfish, or adversely affect populations of non-mobile or sessile benthic organisms." 314 CMR 4.05(5)(b).

244. Massachusetts' state water quality standards require that "[a]ll surface waters shall be free from pollutants in concentrations or combinations that are toxic to humans, aquatic life or wildlife." 314 CMR 4.05(5)(e).

245. Massachusetts' state water quality standards require that Class SB waters shall be free from floating, suspended and settleable solids in concentrations or combinations that would impair any use assigned to this Class, that would cause aesthetically objectionable conditions, or that would impair the benthic biota or degrade the chemical composition of the bottom.

314 CMR 4.05(4)(b)(5).

246. Massachusetts' state water quality standards require that Class SB waters "shall be free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to this class." 314 CMR 4.05(4)(b)(6).

247. Massachusetts' state surface water quality standards require that Class SB waters "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 portion of aquatic life, coat the banks or bottom of the water course, or a deleterious or become toxic to aquatic life." 314 CMR 4.05(4)(b)(7).

248. Massachusetts' state surface water quality standards require that Class SB waters shall contain no taste and odor "in such concentrations or combinations that are aesthetically objectionable, that would impair any use assigned to this class, or that would cause tainting or undesirable flavors in the edible portions of aquatic life." 314 CMR 4.05(4)(b)(8).

Defendants' Violations of the Massachusetts State Water Quality Standards

249. Defendants have discharged, are discharging, and will continue to discharge effluent from the Terminals in violation of the Massachusetts state water quality standards. Defendants' discharge impairs the designated uses of the receiving water and is harmful to human health and

aquatic life.

250. Defendants' violations of the Massachusetts state water quality standards are violations of their NPDES Permits and of the Clean Water Act.

251. Eyewitnesses have frequently and repeatedly observed an oil sheen on the surface of the River near Defendants' Terminals.

252. Eyewitnesses have frequently and repeatedly observed scum or foam floating in the River in Mary O'Malley State Park next to the Chelsea Sandwich Facility.

253. Eyewitnesses have frequently and repeatedly noticed a petroleum or oil smell near the Terminals.

254. Eyewitnesses have observed deleterious effects from Defendants' pollution on birds and other wildlife in the vicinity of the Terminals.

255. Defendants have discharged, are discharging, and will continue to discharge settleable pollutants and/or floating, suspended, and settleable solids from the Terminals in concentrations or combinations that impair designated uses, cause aesthetically objectionable conditions, impair the benthic biota, and/or degrade the chemical composition of the bottom, as demonstrated by Paragraphs 75-77, 79, and 230-238 above.

256. Defendants' continuous and repeated discharges of sediment from the Terminals violate Massachusetts state water quality standards.

257. Defendants have discharged, are discharging, and will continue to discharge petrochemicals and pollutants characterized by objectionable odor, color, taste, or turbidity (including PAHs, benzene, chlorine, ammonia, heavy metals, and TPH) from the Terminals in concentrations and combinations that produce objectionable odor, color, taste, or turbidity and/or are aesthetically objectionable, impair designated uses, and would cause tainting of edible

aquatic life, as demonstrated by Paragraphs 75-77, 79, 114-165, 170-204, 207-209, 211-216, 221-224, 226-228, 230-238, and 250-253 above.

258. Defendants' continuous and repeated discharges of petrochemicals and pollutants characterized by objectionable odor, color, taste, or turbidity from the Terminals violate Massachusetts state water quality standards.

259. Defendants have discharged, are discharging, and will continue to discharge effluent from the Terminals that floats as debris, scum or other matter to form nuisances in violation of the Massachusetts state water quality standards, as demonstrated by Paragraphs 75-77, 79, 251-52 above.

260. Defendants have discharged, are discharging, and will continue to discharge oil, grease, and/or petrochemicals from the Terminals that produces a visible film on the surface of the water, imparts an oily taste to the water or to edible aquatic life, coats the banks or bottom of the Chelsea River, or are deleterious or become toxic to aquatic life, as demonstrated by Paragraphs 75-77, 79, 114-165, 211-216, 226-228, and 250-253 above.

261. Defendants' continuous and repeated discharges of oil, grease, and/or petrochemicals from the Terminals violate Massachusetts state water quality standards.

262. Defendants' discharges of pollutants from the Terminals, including petroleum hydrocarbons, ammonia, benzene, TSS, and foul-smelling and toxic pollutants as demonstrated by Paragraphs 75-77, 79, 114-165, 170-204, 207-209, 211-216, 218-221, 226-238, 230-238, and 250-252 above, contribute to Chelsea River's existing impairments for petroleum hydrocarbons, odor, ammonia, and turbidity in violation of Massachusetts state water quality standards.

263. Defendants' continuous and repeated discharges of pollutants from the Terminals including petroleum hydrocarbons, ammonia, benzene, TSS, and foul-smelling and toxic

pollutants as demonstrated by Paragraphs 75-77, 79, 114-165, 170-204, 207-209, 211-216, 218-221, , 226-228, 230-238, and 250-252 above, violate Massachusetts state water quality standards by interfering with Chelsea River's designated uses of aesthetic use; fish, aquatic life, and wildlife; primary contact recreation (swimming); and secondary contact recreation (e.g. wading or boating).

264. Defendants' continuous and repeated discharges of toxic pollutants from the Terminals (including PAHs, benzene, ammonia, and chlorine, as demonstrated by Paragraphs 114-165, 170-204, 207-209, 211-216, and 218-221, above) violates Massachusetts water quality standards prohibiting conditions that would impair use of the water and harm aquatic life and prohibiting toxic concentrations or combinations of pollutants.

265. Any discharge of benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and/or indeno(1,2,3-cd)pyrene) above the minimum level has the reasonable potential to cause or contribute to excursions of the state water quality criterion because the human health criteria for PAHs are many times lower than the minimum level which current methodology can measure. U.S. EPA, NPDES Permit #MA0003280, #MA0000825, #MA0001091, #MA0001929, and #MA0004006 Response to Comments, 42, 50 (2022),

<https://www3.epa.gov/region1/npdes/chelseacreekfuelterminals/pdfs/2022/2022-crbpsf-rtc.pdf>.

266. Defendants' continuous and repeated discharges of benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene) from the Terminals at levels significantly higher than the minimum levels, as demonstrated by Paragraphs 114-165 above, cause or contributes to violations of the Massachusetts state water quality standards.

Defendants' Violations of the NPDES Permits' Narrative Effluent Limitations

The NPDES Permits' narrative effluent limitations relating to the characteristics of the discharge

267. The 2022 Permits require that Global's discharge "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." 2022 Chelsea Permit at 15; 2022 Revere Permit at 27.

268. The 2014 Chelsea Permit, the 2014 Global Petroleum Permit, and the 2014 Global South Permit (collectively, the "2014 Permits") require that Global's "effluent shall not impart taste, odor, turbidity, toxicity, radioactivity, or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their use." 2014 Chelsea Permit at 13; 2014 Global South Permit at 12; 2014 Global Petroleum Permit at 16.

269. The 2022 Permits require that Global's discharge "shall not result in pollutants in concentrations or combinations in the receiving water that are toxic to humans, aquatic life, or wildlife." 2022 Chelsea Permit at 15; 2022 Revere Permit at 27.

270. The 2014 Permits require that Global's discharge "shall not contain materials in concentrations or in combinations which would impair the uses designated by the classification of the receiving water or which would cause or contribute to alterations that adversely affect the physical or chemical nature of the bottom." 2014 Chelsea Permit at 13; 2014 Global South Permit at 12; 2014 Global Petroleum Permit at 16.

271. The 2022 Permits require that Global's discharge "shall be free from pollutants in concentrations or combinations that adversely affect the physical, chemical, or biological nature

of the bottom.” 2022 Chelsea Permit at 15; 2022 Revere Permit at 27.

272. The 2014 Permits require that Global’s “effluent shall not contain materials in concentrations or in combinations . . . which would cause or contribute to alterations that adversely affect the physical or chemical nature of the bottom.” 2014 Chelsea Permit at 13; 2014 Global South Permit at 12; 2014 Global Petroleum Permit at 16.

273. The 2022 Permits require that Global’s discharge “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.” 2022 Chelsea Permit at 27; 2022 Revere Permit at 27.

274. The 2014 Permits require that Global’s “effluent shall contain neither a visible oil sheen, foam, nor floating or settleable solids at any time.” 2014 Chelsea Permit at 13; 2014 Global South Permit at 12; 2014 Global Petroleum Permit at 16.

Global’s discharges in violations of the NPDES Permits’ narrative effluent limitations relating to the characteristics of the discharge.

275. Global’s continuous and repeated discharges of toxic and foul-smelling pollutants (including PAHs, heavy metals, ammonia, and benzene as demonstrated by Paragraphs 114-165, 170-204, 207-209, 211-216, 218-221, 226-228, and 250-252 above) violate the Permits’ narrative effluent limitations relating to objectionable odor, taste, toxics, and petrochemicals.

276. Global’s continuous and repeated discharges of oil, grease, and petrochemicals as demonstrated by Paragraphs 114-165, 211-216, and 226-228 above, including those discharges which float as visible film on the Chelsea River and which coat the banks of the River as demonstrated by Paragraphs 250-253, violate the Permits’ narrative effluent limitations relating to oil, grease, and petrochemicals.

277. Global's continuous and repeated discharges of solids, as demonstrated by Paragraphs 230-238 and 251 above, violate the Permits' narrative effluent limitations relating to objectionable deposits, turbidity, and pollutants that adversely affect the nature of the bottom. *The NPDES Permits' narrative effluent limitations relating to the Terminals' control measures.*

278. The Permits require that Global comply with narrative effluent limitations relating to its control measures, Best Management Practices ("BMPs"), and Stormwater Pollution Prevention Plan ("SWPPP"). 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 16-21; 2014 Global Petroleum Permit at 20–22.

279. Under the 2022 Permits, Global must "design, install, and implement control measures to minimize pollutants discharged from stormwater associated with the Facility operations to the receiving water." 2022 Chelsea Sandwich Permit at 17; 2022 Revere Permit at 29.

280. Under the 2014 Permits, "[c]ontrol measures (including BMPs) shall be selected, designed, installed, and implemented at the Terminal to minimize the discharge of pollutants in stormwater to waters of the United States." 2014 Chelsea Sandwich Permit at 17; 2014 Global South Permit at 16–17; 2014 Global Petroleum Permit at 20–21.

281. Under the 2022 Permits, "The control measures must ensure the following non-numeric effluent limitations are met" including, "minimize exposure," "good housekeeping," "preventative maintenance," "spill prevention and response," "erosion and sediment controls," and "runoff management." 2022 Chelsea Sandwich Permit at 17; 2022 Revere Permit at 29.

282. Under the 2014 Permits, "BMPs must be selected and implemented to satisfy the following non-numeric technology based effluent limitations" including, "minimization of exposure," "good housekeeping," "preventative maintenance," "spill prevention and response,"

“erosion and sediment controls,” and “runoff and run-on management.” 2014 Chelsea Sandwich Permit at 17–18; 2014 Global South Permit at 16–17; 2014 Global Petroleum Permit at 20–21.

283. The 2022 Permits also require that Global (1) “design and implement response procedures for ethanol, materials that are used for spill and fire control (e.g. 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.” 2022 Chelsea Permit at 18–19; 2022 Revere Permit at 30–31.

284. Under the 2022 Permits, Global “shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP) that documents the selection, design and installation of control measures, including BMPs designed to meet the effluent limitations required in this permit to minimize the discharge of pollutants from the Facility’s operations to the receiving water.” 2022 Chelsea Permit at 21; 2022 Revere Permit at 33.

285. Under the 2014 Permits, Global “shall develop, implement and maintain a SWPPP designed to reduce or prevent the discharge of pollutants to waters of the United States.” 2014 Chelsea Sandwich Permit at 20; 2014 Global South Permit at 19; 2014 Global Petroleum Permit at 23.

Global’s discharges in violations of the NPDES Permits’ narrative effluent limitations relating to the Terminals’ control measures.

286. Global’s violations of the Permits’ numeric effluent limits as enumerated above 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.

287. 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.

The NPDES Permits' corrective action requirements

288. Global is required to take corrective action following conditions including: (1) “an unauthorized release or discharge” and (2) a “discharge [that] violates...a numeric effluent limit.” 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.

289. The 2022 Permits require corrective action when “stormwater control measures 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.” 2022 Chelsea Permit at 18; 2022 Revere Permit at 30.

290. Required corrective actions in the 2014 Permits include “selection, design, installation, and implementation of control measures (including BMPs).” 2014 Chelsea Permit at 20; 2014 Global South Permit at 19; 2014 Global Petroleum Permit at 23.

291. Required corrective actions in the 2022 Permits require Global to “review and revise, as appropriate, the SWPPP so that the permit’s effluent limits are met and pollutant discharges are minimized.” 2022 Chelsea Permit at 18; 2022 Revere Permit at 30.

292. The 2022 Permits require Global to “comply with the inspection requirements in Parts 3.1 and 3.2 of the 2021 MSGP, the corrective action requirements in Part 5.1 of the 2021 MSGP, and the corrective action documentation requirements in Part 5.3 of the 2021 MSGP.” 2022 Chelsea Permit at 18; 2022 Revere Permit at 30.

Global's violations of the NPDES Permits' corrective action requirements

293. Upon information and belief, Global has failed to take required corrective action

following its violations of the Permits' numeric effluent limits and following violations of the Massachusetts water quality standards and the Permits' non-numeric effluent limits. Upon information and belief, Global will continue to fail to take required corrective action.

294. Based on public records retrieved from U.S. EPA through a FOIA request, Global has not reviewed and revised its control measures, its BMPs, or its SWPPPs as required to meet the Permits' effluent limits and minimize the discharge of pollutants.

Global's Monitoring and Reporting Violations

Global's violations of the Permits' monthly, quarterly, and annual monitoring and reporting requirements.

295. The Permits require that Defendants monitor the Terminals' effluent and receiving water by collecting and analyzing grab samples pursuant to specified frequencies and timings. 2022 Chelsea Permit at 2–7, 11–12; 2014 Chelsea Permit at 2-6, 11; 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.

296. The Permits require that Defendants submit its monitoring data as Discharge Monitoring Reports to U.S. EPA on a monthly basis, no later than the 15th day of the month following the completed reporting period. 2022 Chelsea 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.

297. Global have failed, are failing, and will continue to fail to conduct, analyze, and report required effluent, receiving waters, Whole Effluent Toxicity, and other monitoring pursuant to the NPDES Permits.

298. Global failed to collect, analyze, and/or report at least 14 required effluent grab samples for the Chelsea Sandwich Terminal for the pollutants, dates, and outfalls specified in the below table.

299. Global's failure to collect, analyze, and/or report the below 14 required effluent grab

samples for the Chelsea Sandwich Terminal due to “laboratory error or invalid test” violates the reporting requirements in the 2022 Chelsea Permit. 2022 Chelsea Permit at 3-4.

<u>Par. No.</u>	<u>Pollutant Criteria</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Type of Limit</u>	<u>NODI Code</u>
300.	Benzo(a)anthracene	2/28/2023	001	Monthly Average	NODI: P ⁴
301.	Benzo(a)anthracene	2/28/2023	001	Daily Max	NODI: P
302.	Benzo(a)pyrene	2/28/2023	001	Monthly Average	NODI: P
303.	Benzo(a)pyrene	2/28/2023	001	Daily Max	NODI: P
304.	Benzo(b)fluoranthene	2/28/2023	001	Monthly Average	NODI: P
305.	Benzo(b)fluoranthene	2/28/2023	001	Daily Max	NODI: P
306.	Benzo(k)fluoranthene	2/28/2023	001	Monthly Average	NODI: P
307.	Benzo(k)fluoranthene	2/28/2023	001	Daily Max	NODI: P
308.	Chrysene	2/28/2023	001	Monthly Average	NODI: P
309.	Chrysene	2/28/2023	001	Daily Max	NODI: P
310.	Dibenzo(a,h)-anthracene	2/28/2023	001	Monthly Average	NODI: P
311.	Dibenzo(a,h)-anthracene	2/28/2023	001	Daily Max	NODI: P
312.	Indeno(1,2,3-cd)pyrene	2/28/2023	001	Monthly Average	NODI: P
313.	Indeno(1,2,3-cd)pyrene	2/28/2023	001	Daily Max	NODI: P

314. Upon information and belief, Global failed to collect, analyze, and/or report at least 12 required grab samples at the Global Revere Terminal for the pollutants, dates, and outfalls specified in the below table due to “laboratory error or invalid test” in violation of the reporting requirements in the 2022 Revere Permit. 2022 Revere Permit at 3.

315. Global submitted NODI code “P: Laboratory Error or Invalid Test” for the February 2023 monitoring period at the Chelsea Terminal and for the June 2023 monitoring period at the Global Revere Terminal.

316. Upon information and belief, following receipt of the laboratory error or invalid test

⁴ The description of no data indicator code (NODI): P is Laboratory Error or Invalid Test.

results, Global did not retake the sample for the February 2023 monitoring period at the Chelsea Terminal or for the June 2023 monitoring period at the Global Revere Terminal.

<u>Par. No.</u>	<u>Pollutant Criteria</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Type of Limit</u>	<u>NODI Code</u>
317.	Benzo(a)anthracene	6/30/2023	001	Monthly Average	NODI: P
318.	Benzo(a)anthracene	6/30/2023	001	Daily Max	NODI: P
319.	Benzo(a)pyrene	6/30/2023	001	Monthly Average	NODI: P
320.	Benzo(a)pyrene	6/30/2023	001	Daily Max	NODI: P
321.	Benzo(b)fluoranthene	6/30/2023	001	Monthly Average	NODI: P
322.	Benzo(b)fluoranthene	6/30/2023	001	Daily Max	NODI: P
323.	Benzo(k)fluoranthene	6/30/2023	001	Monthly Average	NODI: P
324.	Benzo(k)fluoranthene	6/30/2023	001	Daily Max	NODI: P
325.	Dibenzo(a,h)-anthracene	6/30/2023	001	Monthly Average	NODI: P
326.	Dibenzo(a,h)-anthracene	6/30/2023	001	Daily Max	NODI: P
327.	Indeno(1,2,3-cd)pyrene	6/30/2023	001	Monthly Average	NODI: P
328.	Indeno(1,2,3-cd)pyrene	6/30/2023	001	Daily Max	NODI: P

329. The 2014 Global Petroleum Permit required Global to conduct an annual pollutant scan of the receiving water for 20 different petrochemicals (including PAHs, benzene, toluene, and xylene) each year in April (beginning in April 2018) concurrently with the monthly monitoring event. 2014 Global Petroleum Permit at 4-5, 9 fn 13.

330. In 2019, Global failed to submit monitoring data on their DMRs for the required annual April pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit.

331. On Global's self-reported DMRs for the required annual April pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit, all four quarters in 2019 list the no data indicator (NODI) code F (Insufficient Flow for Sampling).

332. In 2020, Global's self-reported DMRs for the pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit include the value of "0" for the first, second, and

third quarters for all pollutants except for fluoranthene. All pollutants except benzene, ethylbenzene, toluene, and xylene have a non-zero value for the fourth quarter of 2020.

333. In 2021, Global's self-reported DMRs for the pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit include the value of "0" for all four quarters for all 20 pollutants.

334. In 2022, Global's self-reported DMRs include the value of "0" for the second and third quarters for all pollutants for the pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit. All pollutants except benzene, ethylbenzene, toluene, and xylene have a non-zero value for the first quarter of 2022.

335. Defendants submitted a Special Report to U.S. EPA in the fourth quarter of 2022, stating that their "[d]ata meets . . . the majority of sampling requirements for the former MA000345 permit. The exception is that a polycyclic aromatic hydrocarbon (PAH) analysis was not performed on the receiving water body (Chelsea Creek)."

336. Upon information and belief, Defendants entered "0" instead of the appropriate NODI code to reflect the absence of a measured value on their self-reported DMRs for the pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit.

337. Upon information and belief, Defendants failed to take the annual pollutant scan of the receiving water as required by the 2014 Global Petroleum Permit at 4-5, 9 fn 13 in 2019 and 2021, and in April 2020 and April 2022.

338. The 2022 Revere Permit required Global to conduct an annual pollutant scan of the receiving water for 29 different petrochemicals (including PAHs, benzene, toluene, and xylene) each year in April (beginning in April 2023) concurrently with the monthly monitoring event. 2022 Revere Permit at 5-7.

339. In 2024, Defendants failed to take the annual April pollutant scan of the receiving water as required by the 2022 Revere Permit at 5-7.

340. Defendants' failure to conduct required annual pollutant scan monitoring in 2021 and 2024, and in April 2020 and 2022 violates the 2014 Global Petroleum Permit.

341. Global failed to collect, analyze, and/or report at least 315 required effluent grab samples for the Global Revere Terminal from Outfall 001 for 23 parameters listed in the 2022 Revere Permit at 2-4 (including PAHs, benzene, ammonia, chlorine, heavy metals, oil and grease, and turbidity) during the following monthly monitoring periods: June 2023 and every month from September 2023 to May 2024.

342. Global failed to collect, analyze, and/or report at least three required effluent grab samples for the Global Revere Terminal from Outfall 001 for methyl tert-butyl ether during the following quarterly monitoring periods: December 2023 and March 2024. 2022 Revere Permit at 4.

343. Global failed to collect, analyze, and/or report at least one required effluent grab sample for the Global Revere Terminal from Outfall 002 for Total Organic Carbon during the April 2024 annual monitoring period. 2022 Revere Permit at 15. Global instead entered NODI Code: E "Analysis Not Conducted/No Sample."

344. Global failed to collect, analyze, and/or report at least 50 required effluent grab samples for the Global Revere Terminal from Outfall 003 for 25 parameters listed in the 2022 Revere Permit at 22-24 (including PAHs, benzene, TSS, cyanide, heavy metals, and oil and grease) during the following monthly monitoring periods: February and May 2023.

345. Global failed to collect, analyze, and/or report at least 96 required effluent grab samples for the Global Revere Terminal from Outfall 001 for eight parameters listed in the 2014 Global

Petroleum Permit at 2 (including PAHs, benzene, naphthalene, and oil and grease) during the following monthly monitoring periods: every month from May to December 2019.

346. Global failed to collect, analyze, and/or report at least 87 required effluent grab samples for the Global Revere Terminal from Outfall 001 for 27 parameters listed in the 2014 Global Petroleum Permit at 3-4 (including ethanol, methyl tert-butyl ether, benzene, and chromium) during the following quarterly monitoring periods: every quarter from June to December 2019.

347. Global failed to collect, analyze, and/or report at least 28 required effluent grab samples for the Global Revere Terminal from Outfall 003 for 10 parameters listed in the 2014 Global Petroleum Permit at 14 (including PAHs, benzene, TSS, cyanide, heavy metals, and oil and grease) following monthly monitoring periods: August 2022 and May 2019.

348. Global failed to conduct four required LC50 Whole Effluent Toxicity tests for the Global Revere Terminal pursuant to the 2014 Global Petroleum Permit at 5 during the September 2019 monthly monitoring period, and pursuant to the 2014 Global South Permit at 4 during the September 2022 monthly monitoring period.

349. Global failed to conduct 12 Whole Effluent Toxicity tests for 12 parameters listed in the 2014 Global Petroleum Permit at 5-6 for the Global Revere Terminal during the September 2019 monthly monitoring period.

350. Global failed to collect, analyze, and/or report at least 14 required effluent grab samples for the Global Revere Terminal from Outfall 001 for nine parameters listed in the 2014 Global South Permit at 2 (including benzene, TSS, and oil and grease) during the September 2022 monitoring period.

351. Global failed to conduct 12 Whole Effluent Toxicity tests for 12 parameters listed in the 2014 Global South Permit at 5-6 for the Global Revere Terminal during the September 2019

monthly monitoring period.

352. Global failed to conduct 26 Whole Effluent Toxicity tests at Outfall 001 for the Global Revere Terminal for 14 parameters listed in the 2014 Global South Permit at 5-7 during the September 2022 monthly monitoring period.

353. Global submitted the no data indicator (NODI) codes “C: No Discharge” or “F: Insufficient Flow for Sampling” rather than conduct, analyze, and report the required monitoring, as described Paragraphs 337-352 above. All of the required monitoring listed in Paragraphs 337-352 is of the receiving water or of effluent that includes stormwater. All of the monitoring periods listed in Paragraphs 337-352 experienced precipitation events of more than 0.1 inches, as confirmed by historical weather data.

354. Global did not revise the SWPPPs for the Global Revere Terminal to indicate that stormwater had been or was being rerouted to bypass one of the outfalls.

355. Defendants’ failure to use the appropriate NODI Codes on their self-reported DMRs, as described in Paragraphs 337-352 above, violates the NPDES Permits.

356. Global’s failure to conduct, analyze, and report required monitoring, as described Paragraphs 331-34 and 336-344 above, violates the reporting requirements of the 2022 Revere Permit, the 2014 Global Petroleum Permit, and the 2014 Global South Permit.

357. At the Global Revere Terminal, Global has failed to collect, analyze, and/or report annual monitoring data for pollutants including acenaphthene, acenaphthylene, anthracene, benzo(g,h,i)perylene, fluoranthene, fluorene, phenanthrene, and pyrene in the discharge for Outfall 002 from December 1, 2022 to at least May 2024.

358. At the Global Revere Terminal, Global has failed to collect, analyze, and/or report quarterly monitoring data for pollutants including acenaphthene, acenaphthylene, anthracene,

benzo(g,h,i)perylene, fluoranthene, fluorene, phenanthrene, and pyrene for Outfall 003 from December 1, 2022 to at least May 2024.

Global's violations of the Permits' pollutant analysis and sampling methodology requirements.

359. The Permits include requirements for the methodologies used to sample and analyze the pollutants in its effluent and in the receiving water. 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.

360. The Permits require that all samples shall be grab samples “taken within 15 minutes of the initiation of a discharge...where practicable, but in no case later than within the first hour of discharge from the outfall.” 2022 Chelsea Permit at 7; 2014 Chelsea Permit at 7; 2022 Revere Permit at 7; 2014 Global South Permit at 7; 2014 Global Petroleum Permit at 7.

361. 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 Terminal.

Global's violations of the annual SWPPP certification requirements.

362. 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”). 2022 Chelsea Permit at 22; 2022 Revere Permit at 34.

363. SWPPP “Certifications must be submitted by January 15th of the following calendar year.” 2022 Chelsea Permit at 22; 2022 Revere Permit at 34.

364. Based on public records retrieved from U.S. EPA through a FOIA request, Global failed to submit required annual SWPPP certifications at least once for the Chelsea Sandwich Terminal.

365. Global submitted annual 2022 SWPPP certifications late for both Terminals.

366. The SWPPP certifications are due on January 15 of the following calendar year. 2022 Chelsea Permit at 22; 2022 Revere Permit at 34.

367. Global submitted the 2022 SWPPP certification for the Chelsea Sandwich Terminal on February 13, 2023 and the 2022 SWPPP certification for the Global Revere Terminal on February 28, 2023.

Global's violations of the bioassessment summary reporting requirements.

368. The 2022 NPDES Permits require that Defendants submit a bioassessment summary report. The bioassessment summary report was due on April 30, 2024.⁵ 2022 Chelsea Permit at 24-27; 2022 Revere Permit at 36-39. Global's consultant requested an extension of the bioassessment summary report deadline to May 31, 2024.

369. As of July 5, 2024, U.S. EPA has not received the bioassessment summary report from Global.

370. Defendants' failure to submit the required bioassessment summary report or to submit the required bioassessment summary report by the deadline violates the 2022 NPDES Permits' reporting requirements.

THE TERMINALS' HARMS TO CLF'S MEMBERS

371. CLF's members use the Chelsea River for sailing, kayaking, aesthetic enjoyment, educating students, birdwatching, and observing wildlife.

372. CLF's members cherish the Chelsea River as a place of natural importance, aesthetic beauty, and personal significance.

⁵ Data collection activities were to take place "quarterly for one year starting 90 days following the effective date of the permit." The 2022 Permits took effect on December 1, 2022. Data collection activities were to begin March 1, 2023 and take place over the following year through February 29, 2024. The bioassessment summary report was due within 60 days of the first permit year's data collection.

373. CLF's members enjoy sharing the natural, recreational, and aesthetic values of the Chelsea River with family, friends, and students.

374. The Terminals' discharges of pollutants into the Chelsea River have degraded the health of the River and contributed to its impairments in a way that diminishes the use and enjoyment of the Chelsea River by CLF's members.

375. CLF's members are concerned with the health impacts of being exposed to PAHs, heavy metals, and other pollutants from direct contact with waters near the Terminals while kayaking and wading in Chelsea River.

376. CLF's members are concerned with the health impacts of fishing and/or consuming fish due to PAHs and heavy metal pollution in waters downstream from the Terminals.

377. CLF's members worry about the negative impact of PAHs, heavy metals, and other pollutants on their ability to enjoy birdwatching, observing wildlife, and leading school groups on the Chelsea River. CLF members have observed a decrease in local animal species and bird populations—including the absence of certain water-dependent species present in similar nearby waterbodies. CLF members attribute the damage to Chelsea River's bird and wildlife population to pollution in Chelsea River from Defendants' Terminals.

378. CLF's members who enjoy walking on the banks of the Chelsea River and have observed oil sheen in Chelsea River and foam on the banks of the River from Global's discharges have suffered aesthetic harms.

379. The presence of odor, unnatural color, scum, foam, and diminished water clarity adversely affect the aesthetic enjoyment of the Chelsea River by CLF's members.

380. CLF's members are harmed by discharge of PAHs, heavy metals, ammonia, chlorine, TSS, and other pollutants to the Chelsea River from Defendants' Terminals. Global's discharges

impair the recreational and aesthetic uses of the Chelsea River by harming fish and other aquatic life, contributing to oil sheen and/or odor, increasing toxic pollution, and reducing the enjoyment of CLF's members.

CLAIMS FOR RELIEF

Count I: Numeric Effluent Violations

381. Paragraphs 1 through 380 are incorporated by reference as if fully set forth herein.

382. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Chelsea Permit's effluent limitations for PAHs at least 22 times as referenced in Paragraphs 108-136 above.

383. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Revere Permit's effluent limitations for PAHs at least 28 times as referenced in Paragraphs 108-113, 137-165 above.

384. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Chelsea Permit's effluent limitations for heavy metals, including copper, iron, and zinc, at least 19 times at the Chelsea Sandwich Terminal as referenced in Paragraphs 168-189 above.

385. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Revere Permit's effluent limitations for heavy metals, including copper, iron, and zinc, at least 14 times at the Global Revere Terminal as referenced in Paragraphs 168-169, 190-204 above.

386. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Chelsea Permit's effluent limitations for ammonia at least twice at the Chelsea Sandwich Terminal as referenced in Paragraphs 206-209 above.

387. Since at least 2019, Defendants have discharged effluent in violation of the effluent limitations for benzene in the 2022 Revere Permit and the 2014 Global Petroleum Permit at least

five times at the Chelsea Sandwich Terminal as referenced in Paragraphs 210-216 above.

388. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Revere Permit's effluent limitations for chlorine at least three times at the Global Revere Terminal as referenced in Paragraphs 217-221 above.

389. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Chelsea Permit's effluent limitations for pH at least once at the Chelsea Sandwich Terminal as referenced in Paragraphs 222-224 above.

390. Since at least 2019, Defendants have discharged effluent in violation of the 2014 Global Revere Permit's effluent limitations for TPH at least twice at the Global Revere Terminal as referenced in Paragraphs 225-228 above.

391. Since at least 2023, Defendants have discharged effluent in violation of the 2022 Chelsea Permit's effluent limitations for TSS at least twice at the Chelsea Sandwich Terminal as referenced in Paragraphs 229-232 above.

392. Since at least 2023, Defendants have discharged effluent in violation of the 2022 Revere Permit's effluent limitations for TSS at least five times at the Global Revere Terminals as referenced in Paragraphs 229, 233-238 above.

393. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate the NPDES Permits' effluent limitations in the future unless enjoined from doing so.

394. Each day that Defendants have violated or continue to violate the NPDES Permits' effluent limitations is a separate and distinct violation of the Permits and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count II: Violations of the Massachusetts State Water Quality Standards

395. Paragraphs 1 through 380 are incorporated by reference as if fully set forth herein.

396. The NPDES Permits require that Defendants shall not cause a violation of the Massachusetts water quality standards of the receiving water.

397. The Terminals discharge into a Massachusetts waterbody and are required to comply with Massachusetts water quality standards.

398. Defendants' discharge from the Terminals have caused or contributed to violations of Massachusetts state water quality standards contained in 314 CMR 4.04(1), pertaining to the protection of existing uses.

399. Defendants' discharge from the Terminals have caused or contributed to violations of Massachusetts state water quality standards contained in 314 CMR 4.05(5)(a) pertaining to objectionable deposits; matter that forms nuisances; objectionable odor, color, taste or turbidity; or nuisance or undesirable species of aquatic life.

400. Defendants' discharge from the Terminals have caused or contributed to violations of Massachusetts state water quality standards contained in 314 CMR 4.05(5)(b) pertaining to pollutants which "adversely affect the physical or chemical nature of the bottom, interfere with the propagation of fish or shellfish, or adversely affect populations of non-mobile or sessile benthic organisms."

401. Defendants' discharge from the Terminals have caused or contributed to violations of Massachusetts state water quality standards contained in 314 CMR 4.05(5)(e) pertaining to pollutants which are toxic to humans, aquatic life, or wildlife.

402. Defendants' discharge from the Terminals have caused or contributed to violations of Massachusetts state water quality standards contained in 314 CMR 4.05(4)(b)(5), (6), (7), and (8)

pertaining to water quality criteria for Class SB waters, including for pH, solids, color and turbidity, oil and grease, and taste and odor.

403. Every state surface water quality standard violation constitutes a separate and distinct violation of the NPDES Permits and the Clean Water Act.

404. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate the NPDES Permits' prohibitions against violating Massachusetts' surface water quality standards in the future unless enjoined from doing so.

405. Each day that Defendants have violated or continue to violate the NPDES Permits' prohibitions against violating Massachusetts' surface water quality standards is a separate and distinct violation of the Permit and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count III: Violations of the NPDES Permits' Narrative Effluent Limitations

406. Paragraphs 1 through 380 are incorporated by reference as if fully set forth herein.

407. Defendants have violated and continue to violate the narrative effluent limitations in the NPDES Permits relating to deposits, debris, scum, odor, color, taste, turbidity, and toxicity. 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.

408. Defendants have violated and continue to violate the narrative effluent limitations in the NPDES Permits relating to the impairment of designated uses and alterations that adversely affect the physical or chemical nature of the bottom. 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.

409. Defendants have violated and continue to violate the narrative effluent limitations in the NPDES Permits relating to oil, grease, petrochemicals, foam, and solids. 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.

410. Defendants have violated and continue to violate the narrative effluent limitations in the NPDES Permits relating to control measures, BMPs, and SWPPPs. 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 16-21; 2014 Global Petroleum Permit at 20-22.

411. Defendants have violated and continue to violate the narrative effluent limitations in the NPDES Permits relating to corrective actions and SWPPP revisions. 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.

412. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate the Permits' narrative effluent limitations in the future unless enjoined from doing so.

413. Each day that Defendants have violated or continue to violate the Permits' narrative effluent limitations is a separate and distinct violation of the Permits and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count IV: Monitoring and Reporting Violations

414. Paragraphs 1 through 380 are incorporated by reference as if fully set forth herein.

415. The NPDES Permits require that Defendants monitor, analyze, and submit monitoring data pertaining to the Terminals' effluent and receiving water. 2022 Chelsea Permit at 2-7, 11-12, 27; 2014 Chelsea Permit at 2-6, 11, 23; 2022 Revere Permit at 2-7, 12-17, 22-24, 39; 2014 Global Petroleum Permit at 2-6, 11, 14, 27; 2014 Global South Permit at 2-7, 23.

416. Defendants have failed to conduct, analyze, and submit required monitoring at the

Chelsea Sandwich Terminal at least 14 times since 2019.

417. Defendants have failed to conduct, analyze, and submit required monitoring at the Global Revere Terminal at least 683 times since 2019.

418. Defendants have failed to use the appropriate NODI Codes on their self-reported DMRs in violation of their NPDES Permits.

419. Defendants have failed to use methodologies and procedures required by the NPDES Permits for collecting grab samples, including by failing to collect grab samples within the first hour of discharge, at least once at the Global Revere Terminal.

420. Defendants failed to submit the annual SWPPP certifications required by the NPDES Permits at least once for the Chelsea Sandwich Terminal.

421. Defendants submitted late annual SWPPP certifications required by the NPDES Permits at least once for the Chelsea Sandwich Terminal and at least once for the Global Revere Terminal.

422. Defendants have failed to submit the bioassessment summary report required by the NPDES Permits.

423. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate the NPDES Permits' monitoring and reporting requirements in the future unless enjoined from doing so.

424. Each day that Defendants have violated or continue to violate the Permit's monitoring and reporting requirements is a separate and distinct violation of the Permit and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

RELIEF REQUESTED

Plaintiff respectfully requests that this Court grant the following relief:

- a. Issue a declaratory judgment, pursuant to 28 U.S.C. § 2201, that Defendants have violated and remain in violation of the Permit, Section 301(a) of the Clean Water Act, 33 U.S.C § 1311(a), and applicable regulations, as alleged in Counts I, II, III, and IV of this Complaint;
- b. Enjoin Defendants from violating the requirements of the NPDES Permits, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), applicable Clean Water Act regulations, and state water quality standards;
- c. Impose civil penalties on Defendants as provided under Sections 505(a) and 309(d) of the Clean Water Act, 33 U.S.C. §§ 1365(a) and 1319(d), and its implementing regulations of 40 C.F.R. § 19.4;
- d. Award Plaintiff's costs of litigation, including reasonable attorney and expert witness fees, as provided under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(d); and
- e. Grant such other relief as this Court may deem appropriate.

Dated: July 9, 2024



/s/
Chelsea E. Kendall, Esq.
Massachusetts Bar No. 705513
Conservation Law Foundation, Inc.
62 Summer St.
Boston, MA 02110
(617) 850-1792
ckendall@clf.org

Heather A. Govern, Esq.
Massachusetts Bar No. 688482
Conservation Law Foundation, Inc.

62 Summer St.
Boston, MA 02110
(617) 850-1765
hgovern@clf.org

ATTORNEYS FOR PLAINTIFF

EXHIBIT 1



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.

CONSERVATION LAW FOUNDATION

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).

CONSERVATION LAW FOUNDATION

(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.

CONSERVATION LAW FOUNDATION

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.*

CONSERVATION LAW FOUNDATION

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.*

CONSERVATION LAW FOUNDATION

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

CONSERVATION LAW FOUNDATION

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.*

CONSERVATION LAW FOUNDATION

(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.

CONSERVATION LAW FOUNDATION

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).

CONSERVATION LAW FOUNDATION

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).

CONSERVATION LAW FOUNDATION

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.

CONSERVATION LAW FOUNDATION

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.

CONSERVATION LAW FOUNDATION

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.*

CONSERVATION LAW FOUNDATION

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.

CONSERVATION LAW FOUNDATION

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>.

CONSERVATION LAW FOUNDATION

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.

CONSERVATION LAW FOUNDATION

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

CONSERVATION LAW FOUNDATION

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

EXHIBIT 2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sean T. Geary
800 South Street, Suite 500
Waltham, MA 02453

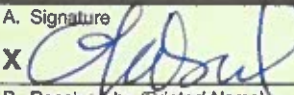


9590 9402 8718 3310 2314 36

2. Article Number (Transfer from service label)
7018 1838 0000 3181 5046

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X  Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
SLO

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Adult Signature Priority Mail Express®
 Adult Signature Restricted Delivery Registered Mail™
 Certified Mail® Registered Mail Restricted Delivery
 Certified Mail Restricted Delivery Signature Confirmation™
 Collect on Delivery Signature Confirmation Restricted Delivery
 Collect on Delivery Restricted Delivery Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

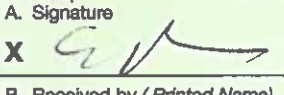
1. Article Addressed to:

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

2. Article Number (Transfer from service label)
7022 3330 0001 0811 6740

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X  Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
Rui 2 5/10/24

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

102595-02-M-154

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Corporation Service Company
84 State Street
Boston, MA 02109

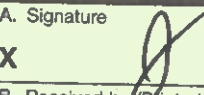


9590 9402 8718 3310 2314 74

2. Article Number (Transfer from service label)
7019 0140 0000 1801 8138

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X  Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
SLO

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type
 Adult Signature Priority Mail Express®
 Adult Signature Restricted Delivery Registered Mail™
 Certified Mail® Registered Mail Restricted Delivery
 Certified Mail Restricted Delivery Signature Confirmation™
 Collect on Delivery Signature Confirmation Restricted Delivery
 Collect on Delivery Restricted Delivery Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Eric Slifka
800 South Street, Suite 500
Waltham, MA 02453




9590 9402 4761 8344 3647 72

2. Article Number (Transfer from service label)
7022 3330 0001 0811 6733

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X  Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
SLO

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Adult Signature Priority Mail Express®
 Adult Signature Restricted Delivery Registered Mail™
 Certified Mail® Registered Mail Restricted Delivery
 Certified Mail Restricted Delivery Return Receipt for Merchandise
 Collect on Delivery Signature Confirmation™
 Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery

Domestic Return Receipt

EXHIBIT 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

Washington, DC 20530

OFFICIAL USE

Certified Mail Fee	\$4.40	0009
Extra Services & Fees (check box, add fee as appropriate)	\$3.65	2
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.87	
Total Postage and Fees	\$9.92	

Sent To
Citizen Suit Coordinator
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

Boston, MA 02108

OFFICIAL USE

Certified Mail Fee	\$4.40	0009
Extra Services & Fees (check box, add fee as appropriate)	\$3.65	2
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.87	
Total Postage and Fees	\$9.92	

Sent To
Bonnie Hejtle, Commissioner
1 Winter Street
Boston, MA 02108-4746

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

Washington, DC 20530

OFFICIAL USE

Certified Mail Fee	\$4.40	0009
Extra Services & Fees (check box, add fee as appropriate)	\$3.65	2
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.87	
Total Postage and Fees	\$9.92	

Sent To
Michael S. Regan, Administrator
1200 Pennsylvania Avenue, N.W.
Washington, DC 20004-0001

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®


Boston, MA 02108

OFFICIAL USE

Certified Mail Fee	\$4.40	0009
Extra Services & Fees (check box, add fee as appropriate)	\$3.65	2
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.87	
Total Postage and Fees	\$9.92	

Sent To
David W. Cash, EPA Region 1 Administrator
5 Post Office Square, Suite 100
Boston, MA 02109-3912

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery 5-10</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">David W. Cash EPA Region I Administrator Environmental Protection Agency 5 Post Office Square, Ste. 100 Boston, MA 02109-3912</p>  <p style="text-align: center;">9590 9402 8718 3310 2314 67</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7022 3330 0001 0811 6795</p>	<p><input type="checkbox"/> Registered Mail Restricted Delivery (over \$500)</p>
PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery MAY 16 2024</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Citizen Suit Coordinator Environment and Natural Resources Division 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530-0001</p>  <p style="text-align: center;">9590 9402 8718 3310 2314 43</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7022 3330 0001 0811 6771</p>	<p><input type="checkbox"/> Registered Mail Restricted Delivery (over \$500)</p>
PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery REG T9K59T</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Michael S. Regan, Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460-0001</p>  <p style="text-align: center;">9590 9402 8718 3310 7310 80</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7019 0140 0000 1801 8145</p>	<p><input type="checkbox"/> Registered Mail Restricted Delivery (over \$500)</p>
PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt	

Tracking Number:

Remove X

70223330000108116788

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 2:05 pm on May 10, 2024 in BOSTON, MA 02114.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Delivered, Front Desk/Reception/Mail Room

BOSTON, MA 02114

May 10, 2024, 2:05 pm

[See All Tracking History](#)

Feedback

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus[®]



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Conservation Law Foundation, Inc.

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Chelsea Kendall
62 Summer Street
Boston, MA 02110

DEFENDANTS

Global GP LLC, Global Partners LP, Global Operating LLC, Global Capital LLC and Global Commercial LLC

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Matthew Connolly and Matthew Snell
Nutter, McClennen & Fish LLP

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Property Damage, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

33 U.S.C. s. 1365(a)

Brief description of cause:

Citizen suit brought under Section 505(a) on the Federal Water Pollution Control Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Conservation Law Foundation, Inc. v. Global GP LLP

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 400, 410, 441, 535, 830*, 835*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
 - II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820*, 840*, 895, 896, 899.
 - III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.
- *Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Chelsea Kendall

ADDRESS 62 Summer Street Boston, MA 02110

TELEPHONE NO. 617-850-1792