

ALABAMA DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

MURPHY OIL U.S.A., INC.  
AIR PERMIT NO. 701-0033-X001

ORDER NO. 85-061-AP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, §§ 22-22A-1 et seq., Code of Alabama 1975 (1984) and the Alabama Air Pollution Control Act, §§ 22-28-1 et seq., Code of Alabama 1975, as amended, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. Murphy Oil U.S.A., Inc. (hereinafter, "Murphy Oil") operates a bulk gasoline terminal in Sheffield, Colbert County, Alabama, which includes a gasoline truck loading rack.
2. On November 26, 1979, the Alabama Air Pollution Control Commission's regulations (now the Department's Air Division Regulations) for the Control of Organic Emissions, which include Part 6.6--Bulk Gasoline Terminals, and Part 6.15--Compliance Schedules for said facilities, became effective.
3. The above provisions of Chapter 6 of the Department's Air Division Regulations apply to bulk gasoline terminals (average daily throughput of more than 20,000 gallons of

gasoline) with potential volatile organic compound (VOC) emission rates greater than 100 tons/year.

4. As required by Part 6.15, all Alabama facilities subject to Part 6.6 were to have installed and tested vapor collection and control systems by March 26, 1981.

5. After obtaining historical gasoline throughput and storage data for the Sheffield terminal on January 9, 1985, the Department determined that the facility is subject to Part 6.6 and 6.15 of the Department's Air Division Regulations and has been operated in violation of State regulations since March 26, 1981.

6. On January 21, 1985, Murphy Oil received notification by certified letter from the Department that their Sheffield facility is in violation of Parts 6.6 and 6.15 of the Department's Air Division Regulations, because of failure to control emissions at their gasoline truck loading rack.

7. On February 13, 1985, Murphy Oil received notice by certified letter from the Department directing the company to submit a proposed compliance schedule identifying increments of progress necessary to meet a compliance date of August 30, 1985, as required by this Order.

8. On April 1, 1985, the Department received Air Permit applications for installation of a control device for the truck loading rack at Murphy Oil's Sheffield facility, as required by Parts 6.6 and 6.15 of the Department's Air Division Regulations.

9. On April 10, 1985, the Department issued Air Permit No. 701-0033-X001 for Murphy Oil's Sheffield facility, which authorizes Murphy Oil to install and operate a control device for the truck loading rack.

10. On April 23, 1985, this Department received Murphy Oil's proposed compliance schedule for installation of the required control device, the terms of which have been incorporated in this Order.

#### ORDER

Based upon the foregoing FINDINGS OF FACT and pursuant to Code of Alabama 1975, §§ 22-22A-5(10) and 22-28-10(2), it is hereby ORDERED:

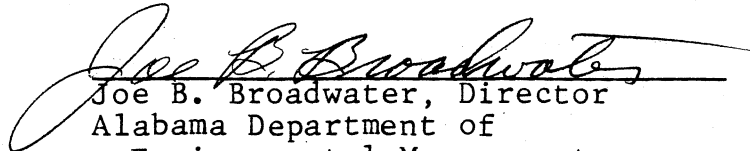
A. That, within ten (10) days of receipt of this Order, Murphy Oil shall provide documentation to the Department of the issuance of a purchase order for a control device meeting the requirements of Parts 6.6 and 6.15, to be installed at the Sheffield facility truck loading rack.

B. That Murphy Oil shall complete installation of the above control device by August 15, 1985.

C. That Murphy Oil shall achieve final compliance with Parts 6.6 and 6.15 of the Department's Air Division Regulations at its Sheffield facility by August 30, 1985.

D. Failure to comply with the provisions of this ORDER shall constitute cause for the commencement of legal action by the Department for the recovery of civil penalties or other appropriate relief.

ORDERED and ISSUED this 16<sup>th</sup> day of May, 1985.

  
Joe B. Broadwater, Director  
Alabama Department of  
Environmental Management  
1751 Federal Drive  
Montgomery, Alabama 36130  
(205) 271-7700

CERTIFICATE OF SERVICE

I hereby certify that I have served Order No. 85-061-AP upon  
Murphy Oil U.S.A., Inc. by sending the same, postage paid,  
through the United States Mail as Certified Mail No. 9714818,  
with instructions to forward and return receipt requested to:

Frank E. Massey, Jr.  
Terminal Operations Manager  
Murphy Oil U.S.A., Inc.  
200 Peach Street  
El Dorado, Arizona 71730

Done this 16<sup>th</sup> day of May, 1985.

Kerry J. Allen  
Kerry J. Allen

KJA/rdg Final 85-061 5/16/85

PS Form 3811, July 1983

**SENDER:** Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☒ Show to whom, date and address of delivery.

2. ☐ Restricted Delivery.

3. Article Addressed to:  
Mr. Frank E. Massey, Jr.  
Murphy Oil U.S.A., Inc.  
200 Peach Street  
El Dorado, Arizona 71730

4. Type of Service:      Article Number  
☐ Registered      ☐ Insured  
☒ Certified      ☐ COD      9714818  
☐ Express Mail

Always obtain signature of addressee or agent and  
**DATE DELIVERED.**

5. Signature — Addressee  
X

6. Signature — Agent  
X Keith A. Holden

7. Date of Delivery  
5-28-85

8. Addressee's Address (ONLY if requested and fee paid)  
Back Dock

DOMESTIC RETURN RECEIPT

P15 9714818

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

Mr. Frank E. Massey, Jr.  
Murphy Oil U.S.A., Inc.  
200 Peach Street  
El Dorado, Arizona 71730

POSTAGE		\$
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	¢
	SPECIAL DELIVERY	¢
	RESTRICTED DELIVERY	¢
	SHOW TO WHOM AND DATE DELIVERED	¢
	SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
RETURN RECEIPT SERVICE	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$
POSTMARK OR DATE		

PS Form 3800, Apr. 1976

STATE OF ALABAMA

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Joe B. Broadwater, Director

State Capitol  
Montgomery, Alabama 36130

SURETY BOND

KNOW ALL MEN BY THESE PRESENTS THAT WE, the undersigned \_\_\_\_\_  
as principal, and \_\_\_\_\_ of \_\_\_\_\_  
as surety, are hereby held firmly bound to the Alabama Department of  
Environmental Management (hereinafter, "the Department") in the sum of \$15,000  
for the payment of which we bind ourselves and our successors and assigns.

THE CONDITION OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, ORDER NO. 85-061-AP has heretofore been issued by the Department dated May 16, 1985, directing Murphy Oil U.S.A., Inc. (hereinafter, "Murphy Oil") to, among other things, install and operate control equipment for the gasoline truck loading rack at its Sheffield, Alabama facility adequate to comply with Parts 6.6 and 6.15 of the Department's Air Division Regulations by August 30, 1985. This obligation shall be removed only when the new control equipment to control hydrocarbon emissions from the gasoline loading rack is installed and operational to the Department's satisfaction. Murphy Oil's obligations under this bond shall continue until such conditions are met and until the surety is notified by the Department of Murphy Oil's satisfaction of these conditions.

Insofar as the surety is concerned, the Department shall be the determiner of any disputed facts arising hereunder, including but not limited to any issue of forfeiture which may arise. Should the Department decide that grounds exist for a forfeiture of this obligation, it shall promptly notify Murphy Oil and the surety by certified mail to the addresses listed below, whereupon Murphy Oil

shall, within seven (7) days after receipt of said notice, pay to the Department the amount designated as required pursuant to the terms of this bond and the Department's Order No. 85-061-AP issued on May 16, 1985.

Notice to the Department shall be to:

Alabama Department of Environmental Management  
1751 Federal Drive  
Montgomery, Alabama 36130  
ATTN: Office of General Counsel

Notice to Murphy Oil shall be to:

Notice to the surety shall be to:

Murphy Oil shall not be deemed in violation of this agreement if prevented from complying due to acts of God, war, strikes, emergencies, acts of third parties, or other circumstances beyond its reasonable control. If any such event occurs which causes or may cause delays in its compliance with the terms of this agreement, Murphy Oil shall notify the Department in writing within (10) ten days of the delay or anticipated delay, as applicable. The notice shall describe in detail the anticipated length of delay, the reasonable measures taken or to be taken to prevent or minimize the delay, and the timetable by which those measures will be implemented. The burden of proving any such delay is caused by circumstances beyond the reasonable control of Murphy Oil shall rest with Murphy Oil.

\_\_\_\_\_  
Murphy Oil U.S.A., Inc.

BY: \_\_\_\_\_

Sworn to and subscribed before me

this \_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Surety

BY: \_\_\_\_\_

Sworn to and subscribed before me

this \_\_\_\_ day of \_\_\_\_\_ 1985.

\_\_\_\_\_  
Notary Public

NOTE: Where one signs by virtue of a Power of Attorney for a surety company,  
such Power of Attorney must be filed with the bond.