

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR



MELANIE LOYZIM  
ACTING COMMISSIONER

**IN THE MATTER OF:**

<b>GLOBAL COMPANIES LLC</b>	)	<b>ADMINISTRATIVE CONSENT</b>
<b>CUMBERLAND COUNTY</b>	)	<b>AGREEMENT</b>
<b>SOUTH PORTLAND, MAINE</b>	)	<b>(38 M.R.S. § 347-A)</b>
<b>AIR QUALITY VIOLATION</b>	)	
<b>2019-060-A</b>	)	

This Agreement, by and among Global Companies LLC ("Global"), and the State of Maine, Department of Environmental Protection ("Department" or "DEP"), as approved by the Maine Board of Environmental Protection ("Board"), and the Office of the Attorney General ("OAG") is entered into pursuant to the laws concerning the Department's Organization and Powers, 38 M.R.S. §§ 347-A(1) and 341-D(6).

**THE PARTIES AGREE AS FOLLOWS:**

1. Global is a Delaware Limited Liability Company authorized to do business as a bulk petroleum distribution terminal located at 1 Clark Road in South Portland, Maine (the "Facility").
2. Throughout the period addressed by this Agreement, Global has been authorized to receive, store, and re-distribute petroleum products pursuant to its minor source Air Emission License (AEL) A-432-71-N-R (SM), which was issued on January 23, 2013, and AEL amendment A-432-71-O-M (SM), which was issued on March 14, 2016.
3. AEL A-432-71-N-R (SM) contains Specific Conditions 16(A)(1 and 3), which states in relevant part:
  - (16) *Boilers #1 and #2*
    - A. *Fuel*
      1. *Boilers #1 and #2 are licensed to fire either #6 fuel oil or natural gas. [06-096 CMR 115, BP71*
      3. *Per 38 M.R.S.A §603-A(2)(A)(1), beginning January 1, 2018, #6 fuel oil fired at the facility shall not exceed a maximum sulfur content of 0.5% by weight.*

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

FRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
FRESQUE ISLE, MAINE 04769  
(207) 764-6477 FAX: (207) 760-3143

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IN THE MATTER OF:

GLOBAL COMPANIES LLC	)	ADMINISTRATIVE CONSENT
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SOUTH PORTLAND, MAINE	)	(38 M.R.S. § 347-A)
AIR QUALITY VIOLATION	)	
2019-060-A	)	

4. Title 38 M.R.S. § 603-A(2)(A)(1) states in relevant part:

*§ 603-A. Low sulfur fuel*

2. *Prohibitions. Except as provided in subsections 4 and 9, a person may not import, distribute or offer for sale any liquid fossil fuel with a sulfur content exceeding the limits in paragraph A or any solid fossil fuel with a sulfur content to heat content ratio exceeding the limits of paragraph B.*

*A. The sulfur content for liquid fossil fuels is as follows.*

*(1) In the Central Maine, Downeast, Aroostook County and Northwest Maine Air Quality Control Regions and the Metropolitan Portland Air Quality Control Region outside the Portland Peninsula Air Quality Control Region, a person may not distribute or offer for sale any residual fuel oil with a sulfur content greater than 2.0% by weight; beginning July 1, 2018, the limit for those regions is 0.5% by weight.*

5. On December 10, 2018 and February 9, 2019, Global accepted deliveries of non-compliant #6 fuel oil to a common #6 oil storage tank (the "Day Tank") dedicated to Global's Boilers #1 and #2. The sulfur content of those fuel deliveries was 1.66% and 1.60%, respectively. This sulfur content was above the standard of no more than 0.5% by weight, which had become effective January 1, 2018. Global began using the non-compliant fuel from the Day Tank on January 3, 2019, and stopped using that fuel on March 22, 2019, at which time they switched from firing #6 fuel oil to firing natural gas in the boilers.

6. On April 3, 2019, the Department performed a routine inspection at the Facility. Facility records showed the two occasions described above when Global added the non-compliant fuel oil to the Day Tank as well as Global's use of the non-compliant fuel.

7. **By taking delivery of and firing #6 fuel oil with greater than 0.5% by weight sulfur content in Boilers #1 and #2, Global violated Specific Condition 16(A)(3) of AEL A-432-71-N-R (SM) and 38 M.R.S. § 603-A(2)(A)(1).**

8. Air Emission License A-432-71-N-R contains Standard Conditions 11(A and C), which states in relevant part:

*(11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:*

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IN THE MATTER OF:

GLOBAL COMPANIES LLC ) CUMBERLAND COUNTY ) SOUTH PORTLAND, MAINE ) AIR QUALITY VIOLATION ) 2019-060-A )	ADMINISTRATIVE CONSENT AGREEMENT (38 M.R.S. § 347-A)
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A. *perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:*

1. *within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or*
2. *pursuant to any other requirement of this license to perform stack testing.*

C. *submit a written report to the Department within thirty (30) days from date of test completion. [06-096 CMR 115]9.*

9. On June 5, 2019, Global conducted compliance stack testing for VOC emissions from the VCU. Global submitted a report to the Department outlining the results of this stack testing on July 12, 2019, 37 days after test completion.
10. **By failing to submit the VOC Emission test results from the June 5, 2019 stack testing event within the required 30 days, Global violated Standard Condition 11(C) of AEL A-432-71-N-R (SM).**
11. On June 5, 2019, the Department issued a Notice of Violation ("NOV") to Global for the violations described in Paragraphs 5-7 of this Agreement, in accordance with 38 M.R.S. § 347-A(1)(B).
12. As a corrective measure designed to avoid similar future violations, Global has instituted an electronic verification system for meeting regulatory requirements and deadlines under its AEL. The electronic verification system calendars deadlines and other regulatory obligations under the AEL and requires users to verify that these deadlines and obligations will be met in a timely fashion. As a further precaution, the system has been programmed to require secondary verification in connection with regulatory obligations under the AEL.
13. The parties agree that this Agreement constitutes a valid and legally sufficient NOV pursuant to 38 M.R.S. § 347-A(1)(B) for any violations specifically cited in this Agreement but not previously noticed and that Global has been adequately noticed for all violations described herein.

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<b>CUMBERLAND COUNTY</b>	)	<b>AGREEMENT</b>
<b>SOUTH PORTLAND, MAINE</b>	)	<b>(38 M.R.S. § 347-A)</b>
<b>AIR QUALITY VIOLATION</b>	)	
<b>2019-060-A</b>	)	

14. This Agreement is not effective until it is approved and signed by the Board and the OAG.
15. To resolve the violations referred to in Paragraphs 5-7 and 9-10 of this Agreement, Global agrees to pay to the *Treasurer, State of Maine*, immediately upon signing this Agreement, a civil monetary penalty in the amount of twenty thousand dollars (\$20,000).
16. The Department and OAG grant a release of their causes of action against Global for the specific violations listed in Paragraphs 5-7 and 9-10 of this Agreement on the express condition that all actions listed in Paragraph 15 of this Agreement are completed in accordance with the express terms and conditions of this Agreement and to the satisfaction of the Department and the OAG. The release shall not become effective until all requirements of this Agreement are satisfied as determined by the Department and the OAG in their sole discretion.
17. Any non-compliance with any term or condition of this Agreement, as determined by the Department and the OAG in their sole discretion, voids the release set forth in Paragraph 16 of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S. §§ 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies.
18. The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

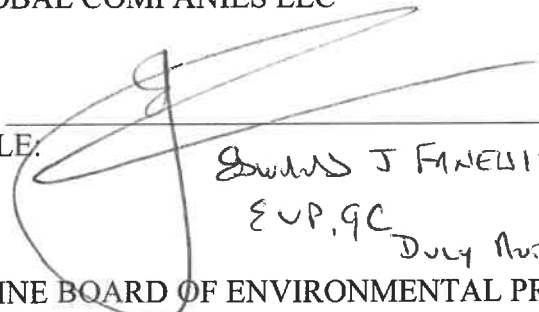
IN THE MATTER OF: <sup>015</sup>

GLOBAL COMPANIES LLC	)	ADMINISTRATIVE CONSENT
CUMBERLAND COUNTY	)	AGREEMENT
SOUTH PORTLAND, MAINE	)	(38 M.R.S. § 347-A)
AIR QUALITY VIOLATION	)	
2019-060-A	)	

19. By signing and executing this Agreement, Global knowingly, voluntarily, intentionally, permanently, and irrevocably waives any and all defenses related to the enforcement of this Agreement, including enforcement by the Department or the OAG.

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of five (5) pages:

GLOBAL COMPANIES LLC

BY:  DATE: 2-10-21  
 TITLE: Shawn J. Finelli  
EVP, GC  
Duly Authorized  
 MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
MARK C. DRAPER, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
LAURA JENSEN, ASSISTANT ATTORNEY GENERAL

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