



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

SUNOCO MIDSTREAM LLC	)	<b>LICENSE TRANSFER</b>
TRANSFER FROM	)	MARINE OIL TERMINAL
PORTLAND TERMINALS LLC	)	AIR EMISSIONS
SOUTH PORTLAND,	)	WASTEWATER
CUMBERLAND COUNTY	)	STORMWATER
O-000300-91-L-T	)	
A-390-71-R-T	)	APPROVAL
W000737-5S-M-T	)	
MER05C271	)	

Pursuant to the provisions of the *Oil Discharge Prevention and Pollution Control Act*, 38 M.R.S. §§ 541-560 (2019), *Oil Discharge Prevention and Pollution Control Rules for Marine Oil Terminals, Transportation Pipelines and Vessels*, 06-096 C.M.R. ch. 600 (effective June 6, 2023), *Protection and Improvement of Air laws*, 38 M.R.S. §§ 581 to 610-D; *Wastewater Discharge laws*, 38 M.R.S. §§413; *Stormwater Management law*, 38 M.R.S. § 420-D; rules promulgated pursuant to these laws and the *Rule Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2 (2018), the Maine Department of Environmental Protection (Department) has considered the application of SUNOCO MIDSTREAM LLC, with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**1. APPLICATION SUMMARY**

**A. Application:** Sunoco Midstream LLC, (Applicant) submitted an application to the Department for the transfer of all active Marine Oil Terminal, Air Emissions, Wastewater and Stormwater licenses, as defined in 06-096 C.M.R. ch. 2, § (1)(L), and all applications pending, held, or submitted by, Portland Terminals LLC (formerly licensed as Gulf Oil Limited Partnership) relating to the Marine Oil Terminal facilities located at 175 Front Street, South Portland, Maine (the Property). A schedule of licenses and applications that are the subject of the application and this Department Order, is set forth in Appendix A of this Order. The intent of this Order is to transfer all active licenses and applications that apply to the Property. Any active Department license concerning the Property not specifically listed in this Order is incorporated herein.

**B. Project History:**

The Property has been licensed with the Department since July 11, 1979, as a marine oil terminal. The facility was originally owned and operated by Chevron USA. The facility was sold to Gulf Oil Company, a Division of Cumberland Farms in 1987. Chevron's oil terminal license was subsequently transferred to Gulf Oil Company on May 6, 1987. The

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facility was purchased by Gulf on September 1, 1994, and issued license #O-000300-91-A-T on December 21, 1994.

An air emission license was issued to Chevron Oil Company on February 12, 1975, for operation of emission sources associated with their bulk petroleum storage and distribution facility. Various renewals, amendments, and transfers have taken place since. Notably, the license was transferred to Cumberland Farms, Inc. on May 29, 1986, and then to Gulf Oil Limited Partnership on July 25, 1995. The most recent air emission license renewal (A-390-71-P-R/M) was issued on February 22, 2023.

Department order MER05C271 was issued to Gulf Oil Limited Partnership on June 27, 2019. The order granted the permittee coverage under the Multi-Sector General Permit For Stormwater Discharges Associated With An Industrial Activity (MER050000) issued by the Department on December 7, 2016.

All Department licenses and permits were transferred from Gulf Oil Limited Partnership to Portland Terminals, LLC on July 29, 2024.

**2. TRANSFER REQUIREMENTS.** The following information regarding Sunoco Midstream LLC was submitted in support of the transfer application:

- A. Title, Right and Interest.** The Applicant submitted an Equity Purchase Agreement executed by Pike Fuels Limited Partnership (owner of Portland Terminals) and Sunoco Midstream and dated June 28, 2024, a Membership Interests Transfer Power dated August 30, 2024, and a Deed. The Application states that the closing referenced in the Equity Purchase Agreement occurred on August 30, 2024. These documents demonstrate the conveyance of the Property from Portland Terminals to the Applicant.
- B. Financial Capacity.** The Applicant submitted an Operating Budget & Commitment to Portland Terminals, a Letter of Financial Capacity, an Engineering Estimate of Probable Closure Costs, and a Certificate of Liability Insurance in the name of Sunoco Midstream LLC in an amount of \$2,000,000 in accordance with 38 M.R.S. § 552-B(1)(A), 40 C.F.R. §§ 280.97(b)(2), and 06-096 C.M.R. ch. 600, § 9(C)(5).
- C. Technical Capacity.** The Applicant stated that they do not have any plans at this time to change terminal personnel or operations associated with this terminal; however, other administrative and environmental compliance staff will change. The applicant has provided a staffing and experience list. The terminal currently staffs eight Operators and one Manager for a total of nine employees. The qualifications for staff include HAZWOPER training, SPCC and Stormwater training, Security training, First Aid and CPR training, Confined Space training, and many job specific activities related to the South Portland terminal operations including Person In Charge (PIC) for discharges training.

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**D. Air Emissions and Wastewater Discharges.** The Applicant certified that there would be no increase in air emissions or wastewater discharges beyond that provided for in the existing licenses, either in quantity or type, without prior written permission from the Department.

BASED ON THE ABOVE FINDINGS OF FACT, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. **TITLE, RIGHT OR INTEREST.** The Applicant has demonstrated that they have sufficient title, right or interest in the property to support this transfer.
2. **FINANCIAL CAPACITY & INTENT.** The Applicant has demonstrated sufficient financial assurance through a Certificate of Insurance from Sunoco Midstream LLC to satisfy the estimated closure costs for the facility. The Applicant has also submitted liability insurance pursuant to 38 M.R.S. § 552 B(1)(A). The combination of these assurances demonstrates the financial capacity and intent to comply with the conditions of all Department licenses, and pending applications associated with the Property, including but not limited to those licenses and applications listed in Appendix A, and to satisfy all applicable statutory and regulatory criteria, provided that updated assurances are provided as necessary.
3. **TECHNICAL CAPACITY & INTENT.** The key employees currently operating the terminal at the property who are proposed to be retained by the Applicant demonstrate the technical capacity and intent to comply with the conditions of all Department licenses and pending applications associated with the Property, including but not limited to those licenses and applications listed in Appendix A, and to satisfy all applicable statutory and regulatory criteria.

THEREFORE, the Department APPROVES the transfer application of SUNOCO MIDSTREAM SUBJECT TO THE FOLOWING CONDITIONS and all applicable standards and regulations.

1. **STANDARD CONDITIONS.** The Standard Conditions associated with all approvals that are the subject of this Order apply hereto.
2. **FINANCIAL ASSURANCE AND TECHNICAL CAPACITY.** An updated Certificate of Insurance for Closure Costs must be submitted to the Department annually, or when the certificate expires. At least 60 days before any change affecting the financial assurances or technical capacity described above, the applicant must submit documentation of alternate financial assurance provisions and technical capacity provisions to the Department for approval.
3. **EFFECT ON EXISTING ORDERS.** Unless specifically superseding a provision, nothing in this Order shall be construed to affect the findings, conclusions and conditions contained in the Orders listed in Appendix A.

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- 4. SEVERABILITY.** The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

DONE AND DATED AT AUGUSTA, MAINE THIS 14th DAY OF JANUARY, 2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
Melanie Loyzim, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application: September 12, 2024

Date of acceptance: September 13, 2024

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## APPENDIX A

Number	Description	Effective Date
O-000300-91-J-R	Oil terminal facility license	9/15/2021
A-390-71-P-R/M	Air emission license renewal with minor revision to change loading rack compliance method	2/22/2023
W000737-5S-K-R ME0022314	MEPDES Individual Permit for Hydrostatic Test Discharges	12/16/2019
MER05C271	Multi-Sector General Permit For Stormwater Associated With An Industrial Activity	6/27/2019
O-000300-91-K-T A-390-71-Q-T W000737-5S-L-T MER05C271	Multi-Program License Transfer	7/29/2024