



DEPARTMENT ORDER

IN THE MATTER OF

PORTLAND TERMINALS, LLC	)	LICENSE TRANSFER
TRANSFER FROM	)	MARINE OIL TERMINAL
GULF OIL LIMITED PARTNERSHIP	)	AIR EMISSIONS
SOUTH PORTLAND,	)	WASTEWATER
CUMBERLAND COUNTY	)	STORMWATER
O-000300-91-K-T	)	
A-390-71-Q-T	)	APPROVAL
W000737-5S-L-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 PORTLAND TERMINALS, LLC, with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

A. **Application:** Portland Terminals, 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, Gulf Oil Limited Partnership (Gulf) relating to the Marine Oil Terminal facilities located at 174 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 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.

**2. TRANSFER REQUIREMENTS.** The following information regarding Portland Terminals was submitted in support of the transfer application:

- A. Title, Right and Interest.** The Applicant submitted a Letter of Intent, executed by Portland Terminals and Gulf and dated February 23, 2023, with attached draft Contribution Agreement. These documents demonstrate the parties intent to convey the Property from Gulf to the Applicant. Transfer of Department licenses will become effective upon the closure of the transaction and receipt by the Department of documentation of the transfer of title to the Property 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, a Financial Test Letter, and a Certificate of Liability Insurance in the name of Gulf Limited Oil Limited Partnership in an amount of \$2,000,000 in accordance with 38 M.R.S. § 552-B(1)(A).

The Applicant also submitted financial assurance documentation in the form of a Guarantee and Standby Trust pursuant to Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST), 40 C.F.R. §§ 280.96 in compliance with 06-096 C.M.R. ch. 600, § 9(C)(5), and 38 M.R.S. § 552-B(1)(B). The Guarantee is from Gulf Operating, LLC which is a firm that possesses a controlling interest in the owner or operator pursuant to 40 C.F.R. § 280.96 (a)(1)(i). Within 120 days of the close of each financial reporting year, or another timeline approved by the Department, Gulf must demonstrate that they meet the financial test criteria of 40 C.F.R § 280.95 based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in 40 C.F.R § 280.95(d). This letter, the company's annual financial report, and independent certified public accountant opinion or a Dunn & Bradstreet financial strength rating must be submitted to the Department annually.

**C. Technical Capacity.** The Applicant submitted the Training Plan that is in Section 7.3 of Gulf's Facility Response Plan, stating that they do not have any plans at this time to change personnel or operations associated with this terminal. Gulf currently staffs eight Operators and one Manager for a total of nine employees at this facility. 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.

The Applicant states that key facility personnel responsible for environmental compliance will retain their positions including Mr. Christopher Gill, the facility's Senior ESOH Coordinator. Mr. Gill has been managing the facility for over two decades.

**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.** While the Letter of Intent demonstrates sufficient intent by both parties to complete the transaction, upon closing of the transaction the Applicant must submit documentation demonstrating closing of the transaction such that title, right or interest is clear.
- 2. FINANCIAL CAPACITY & INTENT.** The Applicant has demonstrated sufficient financial assurance through a guarantee from parent company Gulf Operating, LLC to satisfy the estimated closure costs for the facility. However, the financial test information must be submitted to the Department annually. Should Gulf Operating, LLC cease to be the parent company, a compliant financial assurance mechanism must be submitted to the Department. 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 providing for environmental compliance 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 PORTLAND TERMINALS 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. **TITLE, RIGHT & INTEREST.** Upon closing of the transaction described in Finding of Fact 2(A) of this Order, Applicant shall provide signed documentation demonstrating completion of the transaction and transfer of the Property to Applicant.
3. **EFFECTIVE DATE OF TRANSFER.** Transfer to Applicant of all Department licenses and pending applications associated with the Property described in this Order, including but not limited to those listed in Appendix A, shall become effective when Applicant provides documentation to the Department that the transfer of ownership of the Property has been completed.
4. **FINANCIAL ASSURANCE AND TECHNICAL CAPACITY.** The financial test information must be submitted to the Department annually. 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.
5. **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.


PORTLAND TERMINALS, LLC  
Multi-Program License Transfer  
SOUTH PORTLAND, CUMBERLAND COUNTY

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6. **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 29th DAY OF JULY, 2024.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



BY:

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Melanie Loyzim, Commissioner

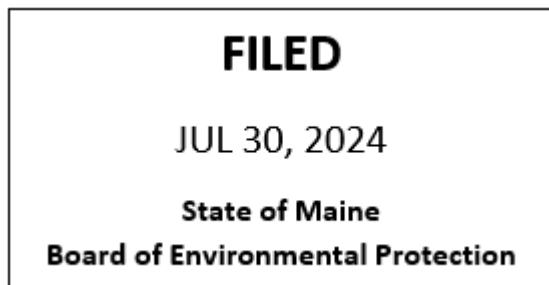
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application: March 1, 2023

Date of acceptance: March 22, 2023

Date filed with Board of Environmental Protection:

jeh594634



PORTLAND TERMINALS, LLC  
Multi-Program License Transfer  
SOUTH PORTLAND, CUMBERLAND COUNTY

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APPROVAL

APPENDIX A

<b>Number</b>	<b>Description</b>	<b>Effective Date</b>
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