



EXECUTIVE
DEPARTMENT

CITY OF SOUTH PORTLAND

25 Cottage Road
South Portland, ME 04116-9422

Scott T. Morelli
City Manager

Joshua Reny
Assistant City Manager

PRESS RELEASE

For immediate release – June 7, 2019

Two South Portland Facilities Cited for Separate Violations

SOUTH PORTLAND, ME – The City of South Portland has recently been informed by both the United States Environmental Protection Agency (EPA) and Maine Department of Environmental Protection (DEP) of Notices of Violations (NOVs) issued to Sprague Operating Resources and Global Partners, respectively, for alleged incidents at their South Portland facilities.

Sprague Operating Resources

On April 16, 2014, EPA issued an NOV to Sprague alleging past and ongoing violations “regarding stationary source construction and operation, including certain New Source Review provisions.” The alleged violations occurred at both the Searsport, Maine and South Portland facilities.

This NOV was based on a July 28, 2011, EPA inspection at Sprague’s South Portland facility, located at 59 Main Street. EPA alleges that, based on information obtained from the Searsport inspection, Sprague is in violation of its Air Emissions License since it’s “emissions are likely to exceed 100 lb/day and 10 lb/hr. Furthermore, its tank capacity exceeds 39,000 gallons.” In addition, EPA alleged that Sprague had emissions from the storage and distribution of #6 oil and asphalt, for which it was not licensed by DEP.

EPA sent out a supplemental NOV on December 11, 2014, alleging five different physical and operational changes to the South Portland facility that were undertaken without proper license amendments. These changes included maintenance on the asphalt piping, blend system, and loading racks; conversion of a tank from distillate to asphalt storage, including insulating the tank and installing coils; replacement of a section of asphalt dockline to restore pumping efficiency; installation of an asphalt blender to improve blending capability and restore efficiency, as well as reconfiguring piping to meet product movement requirements; and conversion of a tank from distillate to residual oil by insulating the tank, installing coils, and installing a steam generator.

According to Burton Russell, Vice President of Operations for Sprague, his company “has been in an extensive and costly dialogue with EPA Region 1 for the past nine years regarding” these NOVs and that Sprague is “hopeful” a resolution could be reached with EPA. The EPA has not filed a complaint against Sprague and nor has a consent decree been issued.

According to Eric Kennedy, the Director of the DEP's Division of Licensing and Compliance in the Bureau of Air Quality, a license amendment issued in 2015 satisfactorily addressed the operational and physical changes that EPA alleged as modifications in the NOV, to the extent that any such amendment was even required.

DEP is not alleging any existing violations related to this matter.

Global Partners

On April 3, 2019, the DEP performed a routine inspection of the Global Companies LLC facility at 1 Clark Road in South Portland. DEP found that Global was using #6 fuel oil containing sulfur content that exceeded 0.5% by weight. State law requires that, as of July 1, 2018, #6 fuel oil fired at the facility must not exceed a maximum sulfur content of 0.5% by weight. As such, on June 5, 2019, DEP issued a Notice of Violation (NOV) to Global for violating the terms of its Air Emission License.

As noted by the DEP, a "NOV is an administrative notice that is required by Maine law to be sent to parties the Department believes is responsible for violations of the Department's laws, rules, and/or orders. The nature and circumstances surrounding violations discovered has led the Department to conclude that final resolution of this matter should include monetary penalties as part of a civil penalty action."

Global and DEP are scheduled to meet about the NOV and come to a final resolution.

"Although there are no actions for the City to take at this time regarding these two matters, we did want to be sure that our citizens were made aware of them," said Mayor Claude Morgan. "The City continues to monitor these situations while also working with DEP on an air quality testing program to assess South Portland's air quality."

Attached please find the following documents:

- Two NOVs issued to Sprague
- Amended DEP license issued to Sprague in 2015
- Statement from Sprague to the South Portland City Council
- NOV issued to Global
- Statement from Global to the South Portland City Council

For more information, please contact City Manager Scott Morelli at smorelli@southportland.org or (207) 767-7606.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED
APR 16 2014**

Mr. David Glendon, President and CEO
Sprague Operating Resources, LLC
185 International Drive
Portsmouth, NH 03801

Re: Notice of Violation

Dear Mr. Glendon:

The U.S. Environmental Protection Agency, Region 1 (“EPA”) is issuing Sprague Operating Resources, LLC (“Sprague”) the enclosed Notice of Violation (“NOV”) for violations of the Clean Air Act.

The NOV addresses EPA’s findings that Sprague has violated and is still in violation of requirements in the Maine State Implementation Plan regarding stationary source construction and operation, including certain New Source Review provisions. The violations occurred at Sprague’s facilities located in Searsport, Maine and in South Portland, Maine.

You may confer with EPA about the enclosed NOV and its findings. To schedule a conference, please contact Elizabeth Kudarauskas of my staff at (617) 918-1564 or have your legal counsel contact Thomas Olivier of my staff at (617) 918-1737 within fourteen (14) days of your receipt of this letter and the enclosed NOV.

Sincerely,

Susan Studlien, acting for

Susan Studlien, Director
Office of Environmental Stewardship

Enclosure

cc: Kurt Tidd, MEDEP (via email)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND**

IN THE MATTER OF)

Sprague Operating Resources, LLC)
Two International Drive, Suite 200)
Portsmouth, NH 03901)

Proceeding under Section)
113 of the Clean Air Act)

NOTICE OF VIOLATION

STATUTORY AUTHORITY

1. The United States Environmental Protection Agency, Region 1 (“EPA”) issues this Notice of Violation (“NOV”) to Sprague Operating Resources, LLC (“Sprague”) under the authority of Section 113(a)(1) of the Clean Air Act (“CAA” or “the Act”), 42 U.S.C.

§ 7413(a)(1), for violations of the Act at Sprague’s facilities in Searsport, Maine (“the Searsport Facility”) and in South Portland, Maine (“the South Portland Facility”). The NOV describes EPA’s findings that Sprague has violated and continues to violate the Act and the federally-enforceable Maine state implementation plan (“SIP”).

2. The Maine SIP includes various federally-approved portions of Air Pollution Control regulations, Chapters 100 et al. (“ME APC Regulations”), which were promulgated by the Maine Department of Environmental Protection (“ME DEP”).¹ These requirements are enforceable by EPA under Section 113 of the Act.

3. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), requires that whenever EPA finds that any person has violated or is in violation of any requirement or prohibition of an applicable

¹ The federally-enforceable versions of the ME APC Regulations contained in the SIP, which can be found on EPA’s website at http://www.epa.gov/region1/topics/air/sips/sips_me.html, are cited herein. The comparable Maine rules can be viewed at <http://www.maine.gov/dep/air/rules/index.html>.

SIP, EPA shall notify the person of such finding.

FACTUAL BACKGROUND

4. Sprague owns and operates a petroleum bulk terminal facility located on Trundy Road in Searsport, Maine. The Searsport Facility stores and distributes #6 fuel oil and asphalt, activities that emit VOCs.
5. On July 26, 2011 EPA inspectors performed an inspection at the Searsport Facility.
6. Sprague owns and operates a petroleum bulk terminal facility located at 59 Main Street in South Portland, Maine. The South Portland Facility stores and distributes #6 fuel oil and asphalt, activities that emit VOCs.
7. On July 28, 2011 EPA inspectors performed an inspection at the South Portland Facility.
8. On December 23, 2010, September 27, 2011 and March 29, 2012, EPA issued Clean Air Act Reporting Requirements and Testing Orders to Sprague.
9. Sprague submitted timely responses to the Reporting Requirements.
10. In response to the Testing Order and Reporting Requirement issued by EPA on September 27, 2011, Sprague submitted a Test Protocol that was conditionally approved by EPA on May 3, 2012.
11. Sprague completed VOC and HAP emissions testing for #6 oil at its Searsport Facility on July 13, 2012, and submitted a test report on October 19, 2012. Sprague completed VOC and HAP emissions testing for asphalt at its Searsport Facility on May 22, 2013, and submitted a final test report on July 31, 2013.

LEGAL FINDINGS AND NOTICE OF VIOLATIONS

12. Under the SIP at ME APC Regulation Chapter 115, Emission License Regulations (“Chapter 115”), § II.A, no person may emit any air contaminant from any source without an air emission license unless the source is exempt under Chapter 115, § II.C.

13. The Searsport Facility is not exempt from licensing under the SIP at Chapter 115, § II.C, as its VOC emissions during testing exceeded 100 lb/day and 10 lb/hr, and its tank capacity exceeds 39,000 gallons.

14. The Searsport Facility has an Air Emissions License issued by the ME DEP on May 21, 2013. The Air Emissions License does not address emissions from the storage and distribution of #6 oil and asphalt. The Air Emissions License restricts facility-wide VOC emissions to no more than 0.3 tons per year.

15. As a stationary source that emits VOCs from #6 oil and asphalt, Sprague must obtain a license addressing the #6 oil and asphalt storage and distribution activities at the Searsport Facility and requiring, at a minimum, “best practical treatment” under Chapter 115, § V.A.2.a. To date, Sprague has not done so. The Searsport Facility has also exceeded the facility-wide VOC emissions limit in the Air Emission License. Accordingly, Sprague has violated and continues to violate the Air Emission License and the SIP.

16. The South Portland Facility is not exempt from licensing under the SIP at Chapter 115, § II.C, as the VOC emissions test results from the Searsport Facility indicate that South Portland emissions are likely to exceed 100 lb/day and 10 lb/hr. Furthermore its tank capacity exceeds 39,000 gallons.

17. The South Portland Facility has an Air Emissions License issued by the ME DEP on March 29, 2011. The Air Emissions License does not address emissions from the storage and distribution of #6 oil and asphalt.

18. As a stationary source that emits VOCs from #6 oil and asphalt, Sprague must obtain a license addressing the #6 oil and asphalt storage and distribution activities at the South Portland Facility and requiring, at a minimum, “best practical treatment” under Chapter 115, § V.A.2.a. To date, Sprague has not done so. Accordingly, Sprague has violated and continues to violate the SIP.

ENFORCEMENT

19. EPA may take any or all of the following actions: (a) issue an order requiring compliance with the Act; (b) issue an administrative penalty order; or (c) bring a civil action in federal district court for an injunction and/or monetary penalties up to \$37,500 per day for each violation. See Sections 113(a), (b) and (d) of the Act, 42 U.S.C. §§ 7413(a), (b) and (d), and 40 C.F.R. Part 19 as amended by 73 Fed. Reg. 75340-46 (Dec. 11, 2008) (Clean Air Act judicial and administrative penalties raised from up to \$25,000 to \$37,500 per day effective December 6, 2013). Be advised that Section 113(e)(2) of the Act, 42 U.S.C. § 7413(e)(2), contains provisions that affect the burden of proof with respect to violations which continue or recur on or after the date of issuance of this NOV.

20. If Sprague has knowingly violated the requirements of the Act, Sprague and its responsible corporate officers may be subject to criminal penalties under Title 18 of the United States Code, imprisonment for not more than five years, or both. See Section 113(c) of the Act, 42 U.S.C. § 7413(c).

21. Be advised that issuance of this NOV does not preclude EPA from electing to pursue any other remedies or sanctions authorized by law which are available to address these violations.

OPPORTUNITY TO CONFER

22. Sprague may confer with EPA concerning this NOV and the findings on which it is based. To schedule a conference, or to ask any questions, please contact Senior Enforcement Counsel Thomas T. Olivier at (617) 918-1737, or Environmental Engineer Elizabeth Kudarauskas at (617) 918-1564.

EFFECTIVE DATE AND APPLICABILITY

23. This NOV is effective as of the date signed below. The provisions of this NOV apply to Sprague, its officers, agents, servants, employees, successors, and assigns, and to all persons, firms, and corporations acting under, through, or for Sprague. The NOV is not subject to Office of Management and Budget review under the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

Sam Silverman, acting for
Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA, Region 1

4-11-14
Date



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center

(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act

(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance

Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers
(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.

(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse

(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline

(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information

(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.

(1-202-554-1404)

Wetlands Helpline

(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman

(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage

(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy

(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy

(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

DEC 11 2014

David Glendon, President and CEO
Sprague Operating Resources, LLC
185 International Drive
Portsmouth, NH 03801

Re: Notice of Violation

Dear Mr. Glendon:

The U.S. Environmental Protection Agency, Region 1 (“EPA”) is issuing Sprague Operating Resources, LLC (“Sprague”) the enclosed Notice of Violation (“NOV”) for violations of the Clean Air Act. This NOV supplements a prior Notice of Violation dated April 16, 2014.

The NOV addresses EPA’s findings that Sprague has violated and is still in violation of requirements in the Maine State Implementation Plan regarding stationary source modification, including certain New Source Review provisions. The violations occurred at Sprague’s facility located in South Portland, Maine.

You may confer with EPA about the enclosed NOV and its findings. To schedule a conference, please contact Elizabeth Kudarauskas of my staff at (617) 918-1564 or have your legal counsel contact Thomas Olivier of my staff at (617) 918-1737 within fourteen (14) days of your receipt of this letter and the enclosed NOV.

Sincerely,

A handwritten signature in black ink that reads "Susan Studlien".

Susan Studlien, Director
Office of Environmental Stewardship

Enclosure

cc: Kurt Tidd, MEDEP (via email)
Dixon Pike, Esq.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND**

IN THE MATTER OF)

Sprague Operating Resources, LLC)
Two International Drive, Suite 200)
Portsmouth, NH 03901)

Proceeding under Section)
113 of the Clean Air Act)

NOTICE OF VIOLATION

STATUTORY AUTHORITY

1. The United States Environmental Protection Agency, Region 1 (“EPA”) issues this Notice of Violation (“NOV”) to Sprague Operating Resources, LLC (“Sprague”) under the authority of Section 113(a)(1) of the Clean Air Act (“CAA” or “the Act”), 42 U.S.C. § 7413(a)(1), for violations of the Act at Sprague’s facility in South Portland, Maine (the “South Portland Facility”). The NOV describes EPA’s findings that Sprague has violated and continues to violate the Act and the federally-enforceable Maine state implementation plan (“SIP”).
2. The Maine SIP includes various federally-approved portions of Air Pollution Control regulations, Chapters 100 et al. (“ME APC Regulations”), which were promulgated by the Maine Department of Environmental Protection (“ME DEP”).¹ These requirements are enforceable by EPA under Section 113 of the Act.
3. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), requires that whenever EPA finds that any person has violated or is in violation of any requirement or prohibition of an applicable

¹ The federally-enforceable versions of the ME APC Regulations contained in the SIP, which can be found on EPA’s website at http://www.epa.gov/region1/topics/air/sips/sips_me.html, are cited herein. The comparable Maine rules can be viewed at <http://www.maine.gov/dep/air/rules/index.html>.

SIP, EPA shall notify the person of such finding.

4. On April 16, 2014, EPA issued Sprague a Notice of Violation concluding that Sprague had violated the SIP at its facilities in Searsport and South Portland, Maine. This NOV supplements the prior April 16, 2014 Notice of Violation.

FACTUAL BACKGROUND

5. Sprague owns and operates a petroleum bulk terminal facility located at 59 Main Street in South Portland, Maine. Among other activities at the South Portland Facility, Sprague stores and distributes #6 fuel oil and asphalt, activities that emit VOCs.

6. On July 28, 2011 EPA inspectors performed an inspection at the South Portland Facility.

7. On December 23, 2010, September 27, 2011 and March 29, 2012, EPA issued Clean Air Act Reporting Requirements and Testing Orders to Sprague.

8. Sprague submitted timely responses to the Reporting Requirements.

9. In response to the Reporting Requirement issued March 31, 2012, Sprague submitted information detailing the following physical and operational changes to the South Portland Facility.

10. In 2000 Sprague performed maintenance on the asphalt system piping, blend system and loading racks.

11. In 2001 Sprague converted Tank 9 from distillate to asphalt storage, including insulating the tank and installing coils.

12. In 2004 Sprague replaced a section of asphalt dockline to restore pumping efficiency.

13. In 2006 Sprague installed an asphalt blender to improve blending capability and restore efficiency, and reconfigured piping to meet product movement requirements.

14. In 2007 Sprague converted Tank 7 from distillate to residual oil by insulating the tank, installing coils, and installing a steam generator.

LEGAL FINDINGS AND NOTICE OF VIOLATION

15. Under the SIP at Chapter 115, § II.A, no person shall emit or cause to be emitted air contaminants from any source without an air emission license unless the source is exempt under Section II.C.

16. Under the SIP at Chapter 115, § II.B, no person shall commence construction of any source or modify an existing source without a license unless the source is exempt under Section II.C.

17. The South Portland Facility and its emissions units described above in paragraphs 10-14 are not exempt from licensing under the SIP at Chapter 115, § II.C.

18. The physical and operational changes to the emissions units described in paragraphs 10-14 were modifications to an existing facility that required license amendments.

19. Prior to constructing the modifications to the South Portland Facility, Sprague failed to apply for and obtain license amendments establishing the “best available control technology” (“BACT”) for the affected emissions units.

20. Accordingly, Sprague has violated and continues to violate Chapter 115, §§ II.A and B of the SIP, by commencing construction of modifications without air emissions license amendments, and by emitting air contaminants without air emissions license amendments and without complying with BACT.

ENFORCEMENT

21. EPA may take any or all of the following actions: (a) issue an order requiring compliance with the Act; (b) issue an administrative penalty order; or (c) bring a civil action in federal district court for an injunction and/or monetary penalties up to \$37,500 per day for each violation. See Sections 113(a), (b) and (d) of the Act, 42 U.S.C. §§ 7413(a), (b) and (d), and 40 C.F.R. Part 19 as amended by 73 Fed. Reg. 75340-46 (Dec. 11, 2008) (Clean Air Act judicial and administrative penalties raised from up to \$25,000 to \$37,500 per day effective January 12, 2009). Be advised that Section 113(e)(2) of the Act, 42 U.S.C. § 7413(e)(2), contains provisions that affect the burden of proof with respect to violations which continue or recur on or after the date of issuance of a notice of violation.

22. If Sprague has knowingly violated the requirements of the Act, Sprague and its responsible corporate officers may be subject to criminal penalties under Title 18 of the United States Code, imprisonment for not more than five years, or both. See Section 113(c) of the Act, 42 U.S.C. § 7413(c).

23. Be advised that issuance of this NOV does not preclude EPA from electing to pursue any other remedies or sanctions authorized by law which are available to address these violations.

OPPORTUNITY TO CONFER

24. Sprague may confer with EPA concerning this NOV and the findings on which it is based. To schedule a conference, or to ask any questions, please contact Senior Enforcement Counsel Thomas T. Olivier at (617) 918-1737, or Environmental Engineer Elizabeth Kudarauskas at (617) 918-1564.

EFFECTIVE DATE AND APPLICABILITY

25. This NOV is effective as of the date signed below. The provisions of this NOV apply to Sprague, its officers, agents, servants, employees, successors, and assigns, and to all persons, firms, and corporations acting under, through, or for Sprague. The NOV is not subject to Office of Management and Budget review under the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA, Region 1

12/08/14
Date



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

**Sprague Operating Resources LLC
Cumberland County
South Portland, Maine
A-179-71-O-M (SM)**

**Departmental
Findings of Fact and Order
Air Emission License
Amendment #1**

FINDINGS OF FACT

After review of the air emission license amendment application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 Maine Revised Statutes Annotated (M.R.S.A.), §344 and §590, the Maine Department of Environmental Protection (the Department) finds the following facts:

I. REGISTRATION

A. Introduction

Sprague Operating Resources LLC (Sprague) was issued Air Emission License A-179-71-N-R/M on March 29, 2011, permitting the operation of emission sources associated with their South Portland bulk petroleum storage and distribution facility.

Sprague has requested a minor revision to their license to clarify emissions calculations methods from the storing and handling of residual oil and asphalt products; to include additional description of the Department's Best Practical Treatment (BPT) determination for these storage tanks; to document certain previous projects at the facility and the justifications as to why the projects did not trigger licensing requirements; and to remove Boiler #3 from the license.

The equipment addressed in this license amendment is located at 59 Main Street, South Portland, Maine.

B. Emission Equipment

The following equipment is addressed in this air emission license amendment:

Boiler

Equipment	Max. Capacity (MMBtu/hr)	Max. Firing Rate (gal/hr)	Fuel Type, % sulfur	Stack #
Boiler #3	1.00	7.60	Distillate fuel, 0.5%	3B

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Bulk Storage Tanks

Tank Number	Capacity (barrels)	Product Stored	Tank Type
7	92,190	# 6 Oil	Vertical, Fixed Roof
201	14,062	Asphalt	Vertical, Fixed Roof
202	14,101	Asphalt	Vertical, Fixed Roof
208	108,909 ¹	Asphalt	Vertical, Fixed Roof
209 ²	74,019	Asphalt	Vertical, Fixed Roof
215	24,630	Asphalt	Vertical, Fixed Roof

C. Application Classification

This amendment will not result in an increase in emissions of any pollutant from the units identified above. Therefore, this amendment is determined to be a minor revision and has been processed as such.

II. **AIR EMISSION LICENSE MINOR REVISION REQUESTS**

A. Air Emissions Calculations: Residual Oil and Asphalt Products

To comply with the reporting requirements of 06-096 CMR 137, *Emission Statements*, breathing and working losses from #6 fuel oil and asphalt storage tanks shall be quantified using AP-42 equations and factors, as applicable, and site-specific data including product storage temperatures and associated vapor pressures, when available.

Historically, for storage tanks subject to reporting requirements, the Department has accepted reported values of volatile organic compounds (VOC) and hazardous air pollutants (HAP) emissions calculated using EPA's TANKS model. The TANKS model is emissions estimation software based on the procedures of Chapter 7 of EPA's *Compilation of Air Pollutant Emission Factors*, also known as AP-42.

The AP-42 calculation determines the amount of hydrocarbon in the tank vapor space from the vapor pressure of the material in the tank at the liquid surface temperature, and then calculates the amount of vapor forced out of the tank due to 1) liquid being actively pumped into the tank (working losses), or 2) thermal expansion or contraction of tank contents driven by ambient temperature changes (breathing losses). The calculation requires a graph of the relationship between vapor pressure and temperature for the asphalt and estimates of the vapor phase molecular weight and partition of hydrocarbons into VOC and particulate, in addition to process data such as asphalt throughput, temperature, and tank contents level. As discussed in the introduction to AP-42, use of

¹ This tank's capacity, identified as 108,423 bbl in air emission license A-179-71-N-R/M (March 29, 2011), has been updated to reflect the most accurate and current information as provided by the source.

² Formerly identified as Tank 9

site-specific data is the preferred method for estimating a source's emissions because those data provide the best representation of the tested source's emissions.

The document dated April 2015 and entitled *EPA Review of Available Documents and Rationale in Support of Final Emissions Factors and Negative Determinations for Flares, Tanks, and Wastewater Treatment Systems* [Contract No. EP-D-11-084, Work Assignment No. 2-12], which presents the results of an evaluation of the veracity of AP-42 procedures to quantify emissions from petroleum storage tanks, states EPA's conclusion that the AP-42 Chapter 7 tank equations provide reasonably accurate estimates of emission rates when appropriate site-specific data are used, especially for materials like asphalt, for which no default data are available, or No. 6 fuel oil, which is often mixed with more volatile cutter material.

Based on the above information and data and sample calculations provided by Sprague, including but not limited to information relating to VOC sampling undertaken by Eastmount Environmental Services at Sprague's Searsport, Maine terminal in 2012 and 2013, the Department concludes that in order to obtain the most accurate estimates of VOC and HAP emissions from asphalt and residual fuel oil storage tanks, Sprague shall estimate emissions using AP-42 equations and factors, as applicable, and site-specific data including product storage temperatures and associated vapor pressures, when available.

B. Best Practical Treatment (BPT) for Asphalt and No. 6 Fuel Oil Storage Tanks

In order to receive a license, the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 CMR 100 (as amended). Separate control requirement categories exist for new and existing equipment.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

Prior to issuance of the facility's air emission license A-179-71-N-R/M (March 29, 2011), the Department evaluated the control of emissions from Sprague's tanks as compared to emissions controls commonly used in sources of similar age and design for compliance with BPT, in accordance with 38 MRSA §590(3) (1991) and 06-096 CMR 115 (3)(D)(2).

Literature and air emission licenses for other, similar sources support the BPT determination that materials exhibiting true vapor pressure below 70 mm Hg (9.3 kPa) at storage conditions are most appropriate for storage in fixed-roof tanks, while more

volatile materials require a floating roof tank or equivalent to minimize VOC and HAP emissions.

Asphalt (CAS #8052-42-4) is obtained as the non-volatile residue from distillation of crude oil or by separation as the raffinate (the material left over after a component or components have been removed) from a residual oil in a deasphalting or decarbonization process. Asphaltic materials are complex hydrocarbon mixtures characterized by large molecular size (molecular weights ranging from 500 to 2000 and carbon numbers predominantly greater than C25), high boiling temperature ranges (752-1021°F), high viscosity (a measure of a fluid's resistance to flow), low solubility, and low vapor pressure. Asphalt, a viscoelastic material, has the properties of either an elastic solid or a viscous liquid, depending on the temperature. For temporary storage purposes in Maine's climate, asphalt storage is maintained at temperatures above ambient temperatures to facilitate ease of movement and transportation. According to information provided by the source, at an asphalt storage temperature of approximately 300 °F, the vapor pressure of this product is 0.52 mm Hg.

Residual Fuel Oil (CAS #68476-33-5) has a vapor pressure of less than 5.2 mm Hg, as specified on its material safety data sheet (MSDS). No. 6 fuel oil (CAS #68553-00-4), which is part of the residual fuel oil category, has a vapor pressure of 0.2 mm Hg at 70 °F, as specified in its MSDS. For comparison purposes, at 70 °F, the vapor pressure of water is 17.5 mm Hg, and the vapor pressure of gasoline is approximately 310 mm Hg.

The Department finds no evidence contradicting its original conclusion and hereby confirms the use of fixed roof tanks and annual throughput tracking as BPT for the residual oil and asphalt storage tanks at this Sprague facility.

C. Previous Operational Changes at Sprague South Portland Terminal

The South Portland facility, previously a group of terminals owned by multiple companies, was purchased by Sprague in 1999. Sprague has made operational changes at this facility over the past several years. The rule under which minor stationary air emissions sources are licensed in Maine is 06-096 CMR 115, *Major and Minor Source Air Emission License Regulation* (Chapter 115). Changes at a licensed minor stationary source (existing) which are required to be addressed in a license amendment may be addressed according to one of three licensing procedures:

- Major Modification: applicable to any modification that would result in a significant emissions increase, as defined in 06-096 CMR 100, *Definitions Regulation*, of any regulated pollutant at an existing stationary source.
- Minor Modification: a modification which involves a licensed emission increase of four tons per year (tpy) or more of any one regulated pollutant except greenhouse gases (GHG), or eight tpy or more for total regulated pollutants except GHG, but which does not trigger Major Modification requirements.

Minor Revision: a license revision for the correction of typographical errors; for a change in monitoring and/or reporting requirements; which involves a licensed emissions increase under four tpy for any one regulated pollutant except GHG, or eight tpy or more for total regulated pollutants except GHG; or any other changes approved by the Department that meet the criteria of a minor revision.

The regulation 06-096 CMR 100, *Definitions Regulation*, (Chapter 100) defines "modification or modified source," in part, as follows:

"Modification or modified source" means any physical change in or change in the method of operation of a source that would result in the emission increase of any regulated pollutant, except that:

A. Routine maintenance, repair, and replacement shall not be considered a physical change; ...

The evaluations of certain previous changes pertaining to licensing obligations in light of these definitions and Maine's licensing chapters are discussed in the following paragraphs.

Change 1: In 2000, Sprague performed maintenance on the asphalt system piping, blend system, and loading racks.

Prior to this project, there were two asphalt loading arms located next to the road and immediately adjacent to Tank 2. The project was completed to relocate the asphalt loading operations away from the road and into other, existing loading racks at another on-site location. After completion of the project, the functional use of two loading arms, one to load asphalt and the other to load asphalt blends, was replaced with the functional use of one loading arm to load either product. The piping size and pumps were not changed. The consolidation of the loading arm function from two to one decreased the capacity at the facility for asphalt loading. Thus, this project did not result in an increase in potential air emissions from the loading of asphalt and asphalt blends.

The Department confirms Sprague's conclusion that this operational change at the facility is not a modification as defined in Chapter 100 and therefore not subject to licensing requirements.

Change 2: In 2001, Sprague converted Tank 9 (now identified as Tank 209, but was identified as Tank 9 in 2001) from distillate storage to asphalt storage, including insulating the tank and installing heating coils.

This change did not result in any physical change in Tank 9 itself, but rather replaced the contents of Tank 9, previously Jet A and kerosene, with asphalt. Evaluation of the vapor pressures of these two product categories at their respective storage conditions (Jet A and

kerosene are stored at ambient temperatures; asphalt is stored at approximately 300 °F) shows very similar vapor pressures (0.44 compared to 0.52 mm Hg).

The viscosity of the two product categories is very different, however, even at their different storage temperatures. Because of this difference in physical properties, asphalt is not pumped as easily as Jet A/kerosene, thereby reducing attainable pumping rates of asphalt compared to Jet A/kerosene for the same pumping equipment. Thus, possible VOC emissions from Tank 9 were likely reduced as a result of this project because of the higher viscosity of asphalt compared to the viscosity of Jet A/kerosene; or, stated more conservatively, there is no evidence to suggest that VOC emissions from Tank 9 increased as a result of this change.

The addition of insulation and heating coils to maintain the appropriate storage temperature of the asphalt contents does not result in the emission increase of any regulated pollutant and does not constitute a modification to the emissions unit, in accordance with definitions of Chapter 100.

The Department confirms Sprague's conclusion that this operational change at the facility is not a modification as defined in Chapter 100 and therefore not subject to licensing requirements.

Change 3: In 2004, Sprague replaced a section of asphalt dock line to restore pumping efficiency.

Sprague replaced a section of the asphalt pipeline, previously an 8" diameter section which ran underground from the blending shack at the base of the dock to the tank farm. The blending shack had been a series of cross-over valves to distribute product from the dock to the previously separately owned facilities. The replacement pipeline was run straight from the dock line, raised above ground, and increased to a 12" diameter pipe to match piping on the tank farm side of the line. The pipeline from this section to the dock is still 8" diameter piping, which restricts throughput. Also, the previous line was approximately 185 feet in length, while the new section increased the length to approximately 565 feet with multiple bends, increasing back pressure in the line. In sum, this project did not increase throughput capacity and did not increase emissions from this equipment.

The Department confirms Sprague's conclusion that this operational change at the facility is not a modification as defined in Chapter 100 and therefore not subject to licensing requirements.

Change 4: In 2006, Sprague installed an asphalt blender to improve blending capability and improve efficiency and reconfigured piping to meet product movement requirements.

As needed, kerosene is mixed with asphalt to extend the asphalt season into colder weather. Prior to the completion of this project, blending took place in a series of tanks in the asphalt tank farm, and the prepared blends were stored until needed. This project eliminated the need to pre-blend, mix, and store asphalt blends, but allowed kerosene and asphalt to be blended on demand at the rack as they are loaded into a tank truck. The project did not increase throughput and resulted in the removal of 11 tanks with a cumulative storage capacity of 8,195 barrels (bbl). The removal of these tanks also eliminates the tank breathing emissions of the blend storage tanks, thereby reducing the overall emissions of the asphalt blending and loading operations.

The Department confirms Sprague's conclusion that this operational change at the facility is not a modification as defined in Chapter 100 and therefore not subject to licensing requirements.

Change 5: In 2007, Sprague converted Tank 7 from distillate fuel storage to residual oil storage, which included insulating the tank, installing heating coils, and installing a steam generator.

The installation of tank insulation and heating coils did not result in the emission increase of any regulated pollutant and did not constitute a modification to the emissions unit, in accordance with definitions of Chapter 100 and based on EPA's TANKS model, which was used at the time to estimate emissions.

The steam generator is not a fuel-burning unit, but rather obtains heat to make steam from an existing hot oil burner system which was already being operated. [See Heaters 1, 2, and 3 in Air Emission License A-179-71-N-R/M (March 29, 2011).] Heat from the hot oil lines is utilized to make steam; thus, there are no air emissions from the steam generator. No additional fuel use in the Heaters has been noted as a result of the addition of this steam generator.

As stated in 06-096 CMR 115 (1)(B), once a source requires an air emission license, all emissions units which emit regulated pollutants at the source must be included in the license. Because the added steam generator does not create air emissions, and no additional emissions were generated from the existing (licensed) hot oil burner system already in use, the steam generator was not required to be included in the facility's air emission license. Thus, this 2007 change did not constitute a modification under Maine's air licensing rules and did not trigger licensing requirements.

D. Removal of Boiler #3 From the Air Emission License

Sprague is licensed to operate several fuel burning units, including Boiler #3. Boiler #3 was rendered inoperable in January 2012 and has since been removed from the facility. Boiler #3 is hereby removed from Sprague's air emission license.

Boiler #3 was replaced by small propane-fired heaters with heat input capacities below licensing thresholds as identified in 06-069 CMR 115; thus, these units are not addressed further in this license amendment.

D. Annual Emissions

The facility's annual emissions are not being revised with this amendment and shall remain as currently licensed.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards, and
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License Amendment A-179-71-O-M subject to the conditions found in Air Emission License A-179-71-N-R/M and the following conditions.

Severability. The invalidity or unenforceability of any provision of this License or part thereof 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.

SPECIFIC CONDITIONS

Specific Condition (16) (C) and (H) of Air Emission License A-179-71-N-R/M (March 29, 2011) shall be replaced with the following:

(16) **Boilers/Heaters**

C. When firing #2 fuel oil, emissions shall not exceed the following [06-096 CMR 115, BPT]:

Emission Unit	PM (lb/hr)	PM ₁₀ (lb/hr)	SO ₂ (lb/hr)	NO _x (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Heaters 1, 2, 3 (each)	0.79	0.79	4.99	2.97	0.35	0.02
Boiler 5	0.16	0.16	1.02	0.60	0.07	0.01

H. Sprague shall implement a boiler tune-up program to include the tune-up of Boiler 5 within one year of the date of publication of 40 CFR Part 63 Subpart JJJJJ in the federal register. [40 CFR Part 63.11196)(a)(1)]

Specific Condition (21) of Air Emission License A-179-71-N-R/M (March 29, 2011) shall be replaced with the following:

(21) **Recordkeeping**

For all recordkeeping required by this license, the licensee shall maintain records of the most current six-year period. [06-096 CMR 115, BPT]

- A. Records shall be maintained showing the average annual information for each of the petroleum storage tanks in order to calculate annual VOC emissions:
1. Quantity and type of petroleum liquid stored in each tank,
 2. Reid vapor pressure,
 3. Maximum true vapor pressure,
 4. Average storage temperature,
 5. Average throughput in each tank,
 6. Tank emissions calculated using EPA TANKS program or an alternative approved by the Department. This statement notwithstanding, to comply with the reporting requirements of 06-096 CMR 137, *Emission Statements*, breathing and working losses from #6 fuel oil and asphalt storage tanks shall be quantified using AP-42 equations and factors, as applicable, and site-specific data including product storage temperatures and associated vapor pressures, when available.
 7. Tank truck emissions assuming 1.3% of the vapors are displaced during loading (based on assumed capture efficiency of 98.7% as given in 40 CFR Part 63, Subpart R), and
 8. HAP speciation data as given by the American Petroleum Institute (API) or other speciation data as obtained by a supplier.

Specific Condition (22) of Air Emission License A-179-71-N-R/M (March 29, 2011) shall be replaced with the following:

(22) **Annual Emission Statement**

In accordance with *Emission Statements*, 06-096 CMR 137 (as amended), the licensee shall annually report to the Department, in a format prescribed by the Department, the information necessary to accurately update the State's emission inventory. The emission statement shall be submitted by the date as specified in 06-096 CMR 137.

DONE AND DATED IN AUGUSTA, MAINE THIS 21 DAY OF July, 2015.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Marc Allen Robert Case for
PATRICIA W. AHO, COMMISSIONER

The term of this amendment shall be concurrent with the term of Air Emission License A-179-71-N-R/M.

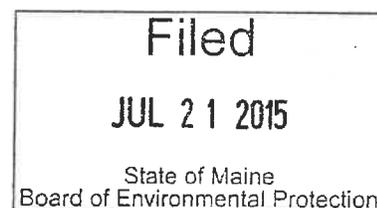
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: June 8, 2015

Date of application acceptance: June 15, 2015

Date filed with the Board of Environmental Protection:

This Order prepared by Jane E. Gilbert, Bureau of Air Quality.





Mayor Claude V. Z. Morgan
South Portland City Hall
25 Cottage Road
South Portland, ME 04106

June 5, 2019

Dear Mayor Morgan,

Thank you for your initiative in arranging our meeting on May 31st to discuss South Portland's concerns regarding air emissions. I appreciate the update on the joint effort between the City and Maine DEP to develop an air monitoring program. Recognizing the importance of ensuring the public's safety and confidence in federal and state compliance programs, Sprague would be pleased to assist where we can and consider any requests that may be made of us in that effort.

I also appreciated the opportunity to discuss Sprague's Notice of Violation issued by EPA Region 1 on April 16, 2014 and supplemented on December 11, 2014 (NOV's). Sprague has been in an extensive and costly dialogue with EPA Region 1 for the past nine years regarding the basis of the administrative NOV's which allege violation of the Clean Air Act and tank and equipment registration deficiencies to the State of Maine. The EPA issued NOV's are predicated upon the results of investigational emission testing protocols that EPA Region 1 mandated at our Searsport Terminal. However, those emissions testing protocols are contrary to the standard EPA methodology (AP-42) for establishing tank emissions that are codified in regulation and are practiced in every other EPA Region in the country. Throughout this process, the State of Maine has expressed their non-concurrence with EPA Region 1's findings and has continued to accept and approve our filings, licenses and permits. While similar disputes are often resolved through a Consent Decree or administrative Agreement on Consent, Sprague is fully aware of the potential public perception that could undermine the integrity of our long-standing compliance efforts. As you can imagine, the alternative of taking the Federal government to court presents a daunting and costly undertaking for any regional company. We have been hopeful that Sprague could achieve a resolution, unfortunately, that has not yet been the case.



Throughout our 149 year history, Sprague has taken great pride in ensuring our full compliance with the letter and intent of federal, state and local laws and regulations. More importantly, we aspire to be a good neighbor within the communities where we work and live. Accordingly we have worked to meet the public's increased expectations regarding areas that may not be regulated. We are prepared to assist in your efforts to identify and address any odors that may present a nuisance to the public.

Thank you again for your time and insight. I look forward to working with you and the City of South Portland.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Russell", is written over the word "Sincerely,".

Burton S. Russell

VP, Operations



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



GERALD D. REID
COMMISSIONER

Certified Mail #: 7017 2620 0000 1679 7490

Bruce Yates
Global Companies, LLC
1 Clark Road / PO Box 2678
South Portland, Maine 04106-2678

June 5, 2019

Re: Notice of Violation, Global Companies, LLC, Bureau of Air Quality,
Notice of Violation #01-19, 2019-060-A

Dear Mr. Yates,

Enclosed is a Notice of Violation (“NOV”) alleging your failure to comply with Air Emission License A-432-71-N-R. The NOV relates to violations documented by an inspection performed by Department staff at your facility. The violations are more fully described in the attached NOV.

A NOV is an administrative notice that is required by Maine law to be sent to parties the Department believes is responsible for violations of the Department’s laws, rules, and/or orders. The nature and circumstances surrounding the violations discovered has led the Department to conclude that final resolution of this matter should include monetary penalties as part of a civil penalty action. The necessary next steps to finally resolving this matter will be discussed once you contact me within the timeframe provided for in the NOV. Thank you for your attention to this matter.

Sincerely,

Tracy W. Kelly
Compliance Section Manager

Cc: Jeff Crawford, DEP
Eric Kennedy, DEP
Rick Perkins, DEP
Ronald Mongeon, DEP
Laura Jensen, AAG
Tom McCusker, USEPA

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Bureau of Air Quality
 17 State House Station
 Augusta, Maine 04333
 Telephone: (207) 287-7688

Notice of Violation

PART I: GENERAL INFORMATION

ALLEGED VIOLATOR'S NAME: Global Companies LLC	DOCKET NUMBER: 2019-060-A
ALLEGED VIOLATOR'S MAILING ADDRESS: 1 Clark Road/PO Box 2678	DATE ISSUED: June 5, 2019
PHYSICAL LOCATION OF VIOLATIONS: South Portland, Maine 04106	CERTIFIED MAIL NUMBER: 7017 2620 0000 1679 7490
POINT OF CONTACT (IF DIFFERENT FROM ALLEGED VIOLATOR): Bruce Yates, Terminal Manager	TELEPHONE NUMBER: 207-767-8259

PART II: INFORMATION CONCERNING THE ALLEGED VIOLATION

YOU OR YOUR COMPANY IS BELIEVED TO BE RESPONSIBLE FOR THE FOLLOWING VIOLATION(S) OF MAINE'S ENVIRONMENTAL LAWS, RULES, OR DEPARTMENT ORDERS.

SUMMARY OF FACTS ALLEGED AS BASIS FOR VIOLATION(S):

On April 3, 2019, the Department performed a routine inspection at Global Companies LLC (Global). A review of facility records identified two occasions when Global added non-compliant #6 fuel oil to a common #6 oil storage tank, dedicated to Global's two dual fuel steam boilers. The non-compliant #6 fuel oil contained sulfur above the new standard of no more than 0.5% by weight which became effective July 1, 2018. Deliveries to the common "Day Tank" were made on December 10, 2018 and February 9, 2019, and the sulfur content of those deliveries was 1.66% and 1.60% respectively. Global began using fuel from that tank beginning January 3, 2019, and stopped on March 22, 2019, at which time they discontinued firing #6 fuel oil and switched to firing natural gas in the boilers.

LIST SPECIFIC VIOLATIONS BY APPLYING FACTS TO SPECIFIC STATUTE(S), RULE(S), OR ORDER(S) VIOLATED:

Air Emission License A-432-71-N-R contains condition (16)A. which states in relevant part:

(16)A.:

Fuel

1. Boilers #1 and #2 are licensed to fire either #6 fuel oil or natural gas. [06-096 CMR 115, BPT]
2. Per 38 MRSA §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.

By using #6 fuel oil with over 0.5% by weight sulfur after July 1, 2018, Global violated Condition 16(A) of its Air Emission License.

DISTRIBUTION:	Case File	<input checked="" type="checkbox"/> Enforcement Director	<input checked="" type="checkbox"/> AG's Office	<input checked="" type="checkbox"/> EPA	<input checked="" type="checkbox"/> Other: _____
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REQUESTED CORRECTIVE ACTION(S):

Ensure that any remaining #6 fuel oil that contains sulfur over 0.5% is not used for Global's two dual fuel steam boilers and that any #6 fuel oil used in the future contains under 0.5% by weight sulfur.

TIMELY COOPERATION ON THE CORRECTIVE ACTIONS REQUESTED IN THIS NOV, AND CONTACTING THE CASE MANAGER BY PHONE OR IN WRITING WITHIN **FIFTEEN (15)** DAYS OF RECEIVING THIS NOV, ARE TWO FACTORS THAT WILL AFFECT THE AMOUNT OF MONETARY PENALTIES DEP EXPECTS TO PURSUE IN THIS MATTER.

PART III: DEPARTMENT ENFORCEMENT CONTACT

ENFORCEMENT CASE MANAGER:

Tracy W. Kelly, Compliance Section Manager

TELEPHONE NUMBER:

207-480-0143

State of Maine, Department of Environmental Protection

By:

Tracy W. Kelly 10/15/19



Scott Morelli
City Manager
South Portland City Hall
25 Cottage Road
South Portland, ME 04106

June 7, 2019

Dear Mr. Morelli,

As you know, Global Partners was issued a minor Notice of Violation on June 5, 2019. In April, during a routine inspection, the DEP identified that we had previously burned No. 6 oil with a sulfur content higher than the regulations that went into effect on July 1, 2018.

Those regulations reduced the amount of allowable sulfur in fuels from 2% to no more than 0.5%. From early January until late March, we were using fuel with a content of 1.60% and 1.66%. We were burning compliant fuel at the time of the DEP inspection. The supply tank with the noncompliant fuel was emptied, and we have implemented protocols to ensure the miscommunication that resulted in the violation will not happen again.

We apologize for this incident. Global takes seriously its responsibility to comply with the law and act as a good operator in the City of South Portland. We look forward to the opportunity to demonstrate that commitment moving forward.

Please let me know if you have any additional questions on this matter.

Regards,

A handwritten signature in black ink, appearing to read "Bruce Yates".

Bruce Yates
South Portland Terminal Manager
Global Partners