



DEPARTMENT ORDER

IN THE MATTER OF

PORTLAND PIPE LINE CORPORATION
SOUTH PORTLAND, CUMBERLAND CTY, MAINE
OIL TERMINAL FACILITY

OIL DISCHARGE
PREVENTION AND
POLLUTION CONTROL

LICENSE # O-000305-91-H-R, O-000306-91-H-R

RENEWAL LICENSE

Pursuant to the provisions of the *Oil Discharge Prevention and Pollution Control Act*, 38 M.R.S. §§ 541-560 (2019), and the *Oil Discharge Prevention and Pollution Control Rules for Marine Oil Terminals, Transportation Pipelines and Vessels*, 06-096 C.M.R. ch. 600 (effective April 3, 2016) (hereafter “The Rules”), the Department of Environmental Protection (hereafter called “Department”) has considered the application of PORTLAND PIPE LINE CORPORATION (hereinafter “PPLC”), with its supportive data, site inspection, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

- A. Application: PPLC applied for the renewal of its existing oil terminal facility licenses on July 13, 2020. PPLC’s existing licenses expired on August 10, 2020. Due to delays from new legislation requirements, PPLC continues to operate under their previous licenses in accordance with 5 M.R.S. § 10002. The licenses are for a facility and storage tanks located at 30 Hill Street, two storage tanks and a pier located on Front Street, two storage tanks on Preble Street, and a pier located at the end of Marina Drive, South Portland, Maine.
- B. History: These locations have been licensed by the Department as a marine oil terminal facility since July 11, 1979. PPLC holds crude oil in storage in the aboveground tanks for transport via underground pipelines between South Portland, Maine and Montreal, Quebec, Canada for refining into oil products.
- C. Summary of Proposal: PPLC is proposing to renew its oil terminal facility licenses, License # O-000305-91-H-R, which consists of Pier 1 and the two tanks on Front Street, and License # O-000306-91-H-R, which consists of Pier 2, the two tanks on Preble Street, and the location with 19 tanks at 30 Hill Street. The oil terminal facility has a total storage capacity of three million, eight hundred and twenty-eight thousand barrels (3,828,000) of oil. PPLC’s license allows PPLC to transfer oil between its marine terminal piers in South Portland and aboveground storage tanks for storage via underground pipeline.

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2. STATUTORY CRITERIA

The Department finds the following facts under the statutory criteria of 38 M.R.S. § 545(1) and (2), and 38 M.R.S. § 552-B(1)(B) and (D) which provide for the findings in relevant part:

- A. A license shall be issued subject to such terms and conditions as the Department may determine to be necessary to carry out the purpose of the oil terminal licensing provisions of the statutes, and
- B. As a condition, precedent to the issuance or renewal of a license, the Department shall require satisfactory evidence that the applicant has or is in the process of implementing state and federal plans and regulations for control of pollution related to oil, and the abatement thereof when a discharge occurs.
- C. To be eligible for a license required under this subchapter, the owner or operator of a facility shall file with the Department an estimate of probable facility closure costs and a preliminary facility closure plan and shall provide evidence of the owner's or operator's financial ability to satisfy those estimated costs.
- D. Failure by the owner or operator of a facility to meet the requirements of providing financial liability, an estimate of probable facility closure costs, a preliminary closure plan, financial assurance to satisfy the estimated costs, and the Department's rules may result in, but is not limited to, nonrenewal or revocation of the owner's or operator's license.
- E. Subject to the approval of the Department, financial assurance to cover estimated closure costs may be established by one or a combination of the following: insurance and risk retention group coverage, guarantee, surety bond, letter of credit or trust fund. In determining the adequacy of the financial assurance, the Department shall consider the criteria in 40 C.F.R. §§ 280.96-280.99, 280.102 and 280.103.

3. REGULATORY CRITERIA

The Department finds that per 06-096 C.M.R. ch. 600, § 13, no oil terminal facility may transfer or cause to be transferred or consent to the transfer of any oil unless that oil terminal facility holds a valid license issued by the Commissioner pursuant to 38 M.R.S. §§ 544 and 545 and 06-096 C.M.R. ch. 600, and the facility is abiding by all the conditions listed on that license.

The Commissioner may change the amount of financial responsibility required if an engineering assessment of probable closure costs indicates such a change in the requirement would be appropriate pursuant to 06-096 C.M.R. ch. 600, § 9(C)(5).

4. INSPECTION FINDINGS

On August 26, 2020 and October 29, 2021 an inspection was conducted on PPLC by Department staff. During these inspections, the Department found:

- A. PPLC conducts inventory reconciliation at least once every 7 days and maintains records of all inventory activities at the facility. Tank product levels are continuously gauged by their radar gauge system that transmits electronic tank liquid level measurements to a Supervisory Control and Data Acquisition System (SCADA). The tanks are also able to be manually gauged which happens periodically. PPLC's inventory program is in compliance with 06-096 C.M.R. ch. 600, § 9(C)(1).
- B. PPLC maintains complete inspection logs at the facility. PPLC conducts daily and monthly inspections as required by 06-096 C.M.R. ch. 600, § 9(C)(2).
- D. PPLC maintains records of monthly inspections of impressed cathodic protection systems and conducts annual cathodic protection surveys as required by 06-096 C.M.R. ch. 600, § 9(C)(2)(e).
- E. The dike containment is in good condition. PPLC last completed the 10-year recertification of secondary containment dike capacity on August 24, 2020, in accordance with 06-096 C.M.R. ch. 600, § 7(D)(1).
- F. All of PPLC's tanks are equipped with overflow detection consisting of audio and visual signals for high and high-high liquid level alarms and are maintained in accordance with 06-096 C.M.R. ch. 600, § 9(C)(1).
- G. The last annual cathodic protection survey was done November 2019 on the dock lines and December 2019 on the storage tanks. The inspection results determined that PPLC is maintaining sufficient cathodic protection. At the time of this inspection, PPLC was in compliance with 06-096 C.M.R. ch 600, § (9)(C)(2)(e).
- H. Tanks #18, #19, #20, #22, #23, and #24, were brought back into service in November 2020. Tank #3 was brought back into service in September 2021. Tank #13 was brought back into service in December 2021. Each of the 8 tanks received API 653 Out of Service Inspections and the required repairs were completed prior to bringing them into service. All 8 tanks have release prevention

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barriers in accordance with 06-096 C.M.R. ch. 600, § (8)(B)(6). Tanks #10 and #11 were out of service at the time of the August 2020 inspection and were out of service at the time of the October 2021 inspection.

- I. Tanks #1, #2, #3, #4, #5, #6, #8, #9, #12, #13, #21, #25, #26, #27, and #28 are out of service during the August 2020 inspection in accordance with 06-096 C.M.R. ch. 600, § (12)(B)(1)-(5). The tanks were cleaned and gas free. Manways are secured with locked screen covers that prevent unauthorized entry and allows natural ventilation. Liquids and sludges have been removed from the tanks and associated piping. Tanks #10 and #11 were out of service at the time of the August 2020 inspection and were taken out of service at the time of the October 2021 inspection.
- J. PPLC takes samples of crude oil during transfer operations as required by 06-096 C.M.R. ch. 600, § (9)(A)(9). Samples are stored in a locker for flammable materials.
- K. An in-line inspection tool “smart pig” is run through the pipelines every 5 years, and a cleaning pig is run through the pipelines quarterly. At the time of the August 2020 inspection, PPLC was not actively transferring product. PPLC was actively transferring product at the time of the September 2021 inspection.
- L. All tanks at the PPLC marine oil terminal have external floating roofs. During the winter, the facility has the ability to pump cool oil out, warm it through a warming system (heated with boilers) and back into the active tanks to melt the snow on the roofs.
- M. On Pier 2, transfer arms 4, 5, and 6 were removed from the pier and are presently stored at the facility. At the time of the August 2020 and September 2021 inspections, transfer arms 1, 2, and 3 were maintained on the pier and passed inspection in July 2020 and August 2021. PPLC does not transfer product via hoses.
- N. At the time of the August 2020 and September 2021 inspections, the dock lines that run from the storage tanks to Pier 2 were tested on November 5, 2020, July 2021, and August 2021. Each test passed in accordance with 06-096 C.M.R. ch. 600, § 9(C)(2)(f) and 06-096 C.M.R. ch. 600, § 9(C)(2)(g). They were brought back into service in November 2020. The 16” and 24” transfer pipelines on Pier 1 are inactive and have been displaced with nitrogen gas to render the contents inert and safe against ignition and internal corrosion.

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- O. PPLC uses insulating flanges on their pier that protect against static electrical discharges.
- P. PPLC does not load trucks or rail cars at their facility.
- Q. PPLC is a continually staffed facility.
- R. PPLC has an oil water separator and is licensed under a Maine Multi-sector General Permit (# MEE05C234) for stormwater which was issued by the Department on February 15, 2017. The oil water separator is partially buried, made of reinforced concrete, and was cleaned in August 2020 and August 2021.

5. OTHER FINDINGS

- A. Closure Cost Estimate: On April 28, 2021 PPLC submitted a revised engineering assessment of probable closure costs and a revised preliminary facility closure plan in the amount of \$6,095,559 that complies with 38 M.R.S. § 552-B(1)(B) and (C), and 06-096 C.M.R. ch. 600, § 9(C)(5). The Department reviewed and approved the estimate of probable closure costs on May 4, 2021.

The probable closure costs and preliminary closure plan includes removal of all tanks and appurtenances, investigation and remediation of the facility site with emphasis on areas of known releases and where petroleum was handled, removal of underground piping, a plan for a feasibility analysis for any portion of the underground piping not proposed to be removed, developing a written facility closure report once closure work has been completed and filing an underground piping survey with the county Registry of Deeds. The investigation done in the 1990s showed little contaminated in the soil and groundwater. There is no record of a spill for the site since the 1990 investigation, therefore the company does not anticipate significant contaminated soils or groundwater to remediate. The cost estimates assume that all closure work will be completed by a third party. As requested by the Department, salvage value of metal and equipment was not included in the cost estimate. A 25% contingency for unexpected expenses was included in the cost estimate.

Going forward as part of the relicensing process, every five years, a preliminary closure plan and associated closure cost estimate is required to be filed with the renewal application for review and approval of the Department. This cost estimate would be based upon a reevaluation of changed circumstances including any spills or other releases at the site that would warrant a change in the amount of required financial assurance.

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The application requires the facility to:

- (a) Attach documents showing evidence of financial responsibility that is sufficient to cover the preliminary closure plan cost estimate to ensure proper closure as required in 06-096 CMR 600, § 9(C)(5), and 38 M.R.S. § 552-B(1)(B) and (C). This must be specific to closure of the facility.
 - (b) Submit a preliminary closure plan with detailed closure costs for the Department's approval to comply with 38 M.R.S. §§ 546(4)(E-3) and 552-B(1)(B) and (2). If the preliminary closure plan with detailed closure costs exceeds the current financial assurance, updated financial assurance documentation must be provided with this application. For the purposes of the preliminary closure plan cost estimate, no salvage value is allowed, work is to be performed by a third party, and a 25% contingency amount is to be included.
- B. Financial Assurance for Closure Cost Estimate: On May 18, 2021 PPLC submitted updated financial assurance documentation in the form of a \$7,000,000 Guarantee and Standby Trust Agreement pursuant to *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)*, 40 C.F.R. § 280.96 which includes the financial test criteria of 40 C.F.R. § 280.95 and the standby trust fund requirements of 40 C.F.R. § 280.103.

The firm who may provide a guarantee for the oil terminal owner and operator must be a firm that possess: (1) a controlling interest in the owner or operator, (2) a controlling interest in a related firm, (3) a controlling interest through stock ownership by a common parent that possess a controlling interest in the owner or operator, or (4) a firm with a substantial business relationship with the owner or operator.

The guarantee requirement includes a financial test from the entity providing financial assurance for the oil terminal owner or operator with the associated documentation. The financial test requires a Chief Financial Officer statement showing tangible net worth of at least \$10,000,000 and that the tangible net worth over liabilities is at least 10 times. The liabilities include the cost estimate of closure, post closure, and corrective action, and the costs of any plugging and abandonment actions. The financial statements that total assets and liabilities are based upon, must be either (1) filed with the U.S. Securities and Exchange Commission, the Energy Information Administration, or the Rural Utilities Services, or (2) with Dun and Bradstreet. For the Dun and Bradstreet option, Dun

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and Bradstreet must have assigned the firm a financial strength rating of 4A or 5A.

The Guarantee provided on behalf of PPLC is from Suncor Energy Inc., which is a firm that possesses a controlling interest in PPLC pursuant to 40 C.F.R. § 280.96 (a)(1)(i). PPLC submitted the Chief Financial Officer form from Suncor Energy Inc. that certifies that Suncor Energy Inc. has more than 10 times the tangible net worth than its total liabilities and that the tangible net worth amount exceeds \$10,000,000. The tangible net worth information was submitted to Dun and Bradstreet who issued a financial strength rating of 5A for Suncor Energy Inc and was confirmed by the Department on December 13, 2021.

All documentation was reviewed by the Department. The Department finds that Suncor Energy Inc. meets the requirements for providing financial assurance for PPLC in that Suncor Energy Inc. meets the requirements of 40 C.F.R. § 280.96.

Within 120 days of the close of each financial reporting year PPLC must demonstrate that the firm providing them a guarantee meets 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, company annual financial report, and a Dun and Bradstreet financial strength rating must be submitted to the Department annually. If the guarantor fails to meet the financial test criteria, PPLC must obtain alternative coverage within 150 days of the end of year for which the financial statements were prepared.

- C. On December 21, 2021 PPLC submitted evidence of liability insurance in the amount of \$4,000,000 and is in compliance with 38 M.R.S. § 552-B(1)(A).
- D. PPLC's Federal Spill Prevention Control and Countermeasure (SPCC) plan was last reviewed on November 6, 2019. The standard operating procedures of The Rules, 06-096 C.M.R. ch. 600, § 9(A)(28) requires compliance with all the requirements of the Spill Prevention Control and Countermeasures Plan in 40 C.F.R. § 112.
- E. The last "smart pig" inspection occurred on July 12, 2021. The last cleaning pig occurred on April 1, 2021. The last product transferred through Pier 2 and the storage tanks pipelines occurred on July 15, 2021.
- F. PPLC is a qualified business corporation and is in good standing with the Secretary of State and authorized to do business in the State of Maine.

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- G. The Department maintains a current copy of the deeds for PPLC's properties as required by the Rules concerning the Processing of Applications and Other Administrative Matter, 06-096 C.M.R. ch. 2, § 11(D). PPLC certifies that the deeds have not changed since 2015.
- H. PPLC is required to pay a license fee into the Maine Ground and Surface Waters Clean-Up and Response Fund in accordance with 38 M.R.S. § 551(4)(A). The fee is assessed on each barrel of oil transferred by the licensee. These fees were audited on March 19, 2020 and September 2021. Transfer records from January 2017-December 2020 were audited. The reporting forms submitted to the State matched the receipts maintained at the facility. The facility accurately reported their transfers and paid the appropriate fees.
- I. PPLC maintains an Integrated Contingency Plan (ICP), which includes the Facility Response Plan (FRP) and Spill Prevention, Control and Countermeasure Plan (SPCC) which was recertified November 6, 2019. PPLC's SPCC Plan is required to be reviewed on or before November 6, 2024.
- J. On July 3, 2020 PPLC filed public notice of its oil terminal license renewal application in the Portland Press Herald. PPLC also notified abutting property owners. Six public comments were received by the Department. The comments contained the following requests.
- i. The Corporation Counsel of the City of South Portland:
 - a. Under 38 M.R.S. § 552-B, PPLC may not be granted a renewal license unless it provides an accurate facility closure plan, estimate of closure costs, and evidence of its Guarantor's ability to fully cover probable closure costs of closure.
 - b. The Department should condition the renewal license on PPLC's compliance with all local ordinances, including City's zoning ordinance.
 - ii. Resident of South Portland:
 - a. The citizen voiced concerns about the integrity of the sub-grade materials (tank walls, piping, couplings, etc.) of PPLC's tanks. They are inquiring if there is a process for evaluating the condition of these sub-grade materials, one that is both generally accepted by the petroleum industry and the State, as a reliable and accurate safeguard

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to the surrounding soil and ground water. If not, the State should make relicensing contingent upon implementation of such testing.

- b. They would like 24 hour/day air quality testing to be a requisite for license renewal. Air quality testing should be performed and overseen by an independent third party.
 - c. They also want the State and the City of South Portland to position themselves to be indemnified from: all costs of tank/pipeline removal, all associated costs necessary to abate soil and groundwater contamination, and all legal fees.
- iii. Resident of South Portland:
- The citizen does not support the license renewal if the license renewal involves reversing the flow of the pipeline to carry tar sands into Maine.
- iv. Resident of South Portland:
- a. The citizen reported that the pipeline work that was being done on Ocean Street starting in the beginning of June 2020 was loud and disruptive to their patients and to the other local businesses.
 - b. They voiced concern that if PPLC reverses the flow of their pipeline and has the ability to bring tar sands into this area, there are risks to the long-term health of the environment and to the inhabitants of this area.
 - c. They request that when examining the scope of this permit, note that significant legal battles would further drain the city's limited resources on fighting a large well-funded and powerful industry.
 - d. They request that this permit should continue to limit what is allowed for now and for the future.
- v. Residents of South Portland:
- a. The citizens noted their strong opposition to the renewal application for PPLC's license. They are concerned that hazardous operations pump excess VOC emissions into the community, endangering the health of their family and others.

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- b. They requested that the Department deny PPLC's renewal application.
- vi. Resident of South Portland:

The citizen reported an issue with the oil trucks that drive directly behind their house on Henley Street. It was reported that when the trucks follow the speed limit, the noise and vibration is limited, but most of the trucks go too fast down the street and their whole house shakes, 24 hours a day. They are inquiring if PPLC can be a better steward of the neighborhood by reinforcing the importance of following the oil truck speed limit in this residential neighborhood.

- K. The Department provides the following responses to the above received comments.
 - i. A request was sent to PPLC prior to issuing this renewal license to comply with liability insurance requirements per 38 M.R.S. § 552-B(1)(A) by January 1, 2021 and closure requirements per 38 M.R.S. § 552-B(1)(B) by April 1, 2021. On September 1, 2020 PPLC submitted financial assurance documentation in the form of a Guarantee and Standby Trust Agreement pursuant to *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)*, 40 C.F.R. §§ 280.96 and 280.103 in compliance with 06-096 C.M.R. ch. 600, § 9(C)(5) which in part requires a minimum of \$2,000,000 in financial assurance for closure. On December 21, 2021 PPLC submitted liability insurance that complies with 38 M.R.S. § 552-B(1)(A). On March 31, 2021 PPLC submitted probable facility closure costs and a preliminary facility closure plan. After the Department reviewed the facility closure costs and preliminary facility closure plan, they requested some additional items to be included. On April 28, 2021 PPLC submitted a revised facility closure costs and preliminary facility closure plan and the Department approved it on May 4, 2021. The preliminary facility closure plan and cost estimate required increased financial assurance to an amount of \$6,095,559. Documentation has been submitted to the Department in the form of a Guarantee and Standby Trust Agreement (see Section 5B).
 - ii. A condition was included in this renewal license that requires the licensee to secure and comply with all applicable Federal, State, and local licenses permits, authorizations, conditions, agreements, and orders prior to or during construction, alteration, modification, and operation as appropriate

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- iii. The regulations require all marine oil terminals to complete both internal and external inspections in accordance with the American Petroleum Institute industry standard, *API 653, Tank Inspection Repair, Alteration and Reconstructions*. All active tanks were required to have Release Preventative Bottoms (RPB), be cathodically protected, and comply with the required inspection schedule by November 7, 2019. Tanks with an RPB that have no internal tank bottom liner and no cathodically protected bottom must have an internal inspection at least every 15 years. Tanks with an RPB, an internal tank bottom liner and cathodically protected bottom must have an internal inspection at least every 20 years.
- iv. Emissions and air quality testing are monitored and overseen by the Department's Air Quality Bureau. PPLC is licensed under an air emissions license #A-000197. For informational purposes, an Air Monitoring Plan was approved by the Department and EPA on October 26, 2020.
- v. PPLC's license allows PPLC to transfer oil via underground intrastate pipelines between its marine terminal piers in South Portland and aboveground storage tanks. This license is intended to ensure that the facility operates in compliance with state laws and regulations applicable to PPLC's storage tank facility, the pipelines between the piers and the storage tanks, and the piers. Absent a determination that it affects the ability of the facility to comply with 06-096 C.M.R. ch. 600, the directional flow of oil within the pipelines is outside the scope of 06-096 C.M.R. ch. 600 and this permit. The language in section 1(C) of this order has been altered to reflect this.
- vi. PPLC must complete inspections, maintenance, and repairs to their underground pipelines. They work with the City's Code Enforcement and Police Department to ensure that safety and traffic movement are maintained throughout the work. They try to minimize the disruption as much as possible, but to ensure the pipelines are well maintained, they do have to access the pipelines periodically. This license renewal allows PPLC to operate within the limits of 06-096 C.M.R. ch. 600.
- vii. This license renewal allows PPLC to operate within the limits of 06-096 C.M.R. ch. 600, which does not involve emission regulations. Regulations that involve marine oil terminal emissions are overseen and enforced by the Department's Air Quality Bureau under license ##A-000197. This license was most recently issued on June 4, 2018.

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- viii. PPLC's operations do not involve oil trucks coming to or from their marine oil terminal. There is another terminal located near Henley Street that does include loading oil onto trucks that may use Henley Street in transit. The Department has reached out to them to ask that they help remind drivers to abide by the speed limit. They notified the Department that they fielded a similar complaint in August 2020. They have since posted a sign and talked to the drivers about ensuring they drive the speed limit. The applicable resource to enforce the posted speed limits is the City of South Portland's Police Department.

BASED on the above Findings of Fact and subject to the conditions listed below, the Department makes the following CONCLUSIONS:

1. PPLC was in compliance with 06-096 C.M.R. ch. 600 at the time of the inspection on August 26, 2020 and October 29, 2021.
2. PPLC has met the Department's public notice requirements.
3. PPLC filed a revised engineering assessment of probable closure costs, a revised preliminary facility closure plan, and provided evidence of financial ability that established PPLC's financial ability to satisfy those probable facility closure costs per 38 M.R.S. § 552-B(1)(B) and (C), and 06-096 C.M.R. ch. 600, § 9(C)(5). The Guarantee and Standby Trust Agreement pursuant to *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)*, 40 C.F.R. §§ 280.96-280.99 and 280.102-280.103. However, the financial test information that is required by the Guarantee must be submitted to the Department annually.

PPLC will submit a preliminary closure plan with a cost estimate every 5 years when this license is due for renewal.

4. 38 M.R.S. § 552-B(1)(A) requires PPLC to submit liability insurance in an amount no less than \$2,000,000. PPLC has demonstrated compliance with this provision of law by the submittal of a liability insurance certificate and policy in the amount of \$4,000,000.
5. PPLC performed internal inspections in accordance with the applicable standards of API 653, *Tank Inspection, Repair, Alteration and Reconstruction* and pursuant to the schedule in 06-096 C.M.R. ch. 600, § 9 (C)(2)(h), for internal inspection of tanks. The Department requires notifications of substantial inspections and repairs.
6. Dike containment capacity was verified and found to be in compliance with 06-096 C.M.R. ch. 600, § 7(D).

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7. PPLC is required to pay a license fee into the Maine Ground and Surface Waters Clean-Up and Response Fund in accordance with 38 M.R.S. § 551(4)(A). These fees were audited, and matched the receipts maintained at the facility.
8. PPLC's SPCC Plan is required to be reviewed on or before November 6, 2024.
9. The following tanks are temporarily out of service; Tanks #1, #2, #4, #5, #6, #8, #9, #10, #11, #12, #21, #25, #26, #27, and #28 in accordance with 06-096 C.M.R. ch. 600, § (12)(B)(1)-(5). Prior to bringing any tanks into active service, the tanks must be inspected as required by 06-096 C.M.R. ch. 600, § 12(C)(5). Prior to installing a release prevention barrier, the facility must meet the requirements found in 06-096 C.M.R. ch. 600, § 8(B)(6). The Department must be notified prior to a tank being brought back into active service or prior to installing a release prevention barrier and a copy of the inspection record must be kept for review by the Department.
10. Cathodic protection surveys were completed on the dock lines and the storage tanks. The inspection results determined that PPLC was maintaining sufficient cathodic protection at the time of the Department's inspections.
11. The licensee shall secure and comply with all applicable Federal, State, and local licenses permits, authorizations, conditions, agreements, and orders prior to or during construction, alteration, modification, and operation as appropriate.

THEREFORE, the Department APPROVES the noted license of PORTLAND PIPE LINE CORPORATION SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations.

1. This license expires on August 10, 2025.
2. The invalidity or unenforceability of any provision, or part thereof, of this license shall not affect the remainder of the provisions. This license shall be construed and enforced in all aspects as if such invalid or unenforceable provision or part thereof had been omitted.
3. PPLC shall maintain records of monthly oil license fee transfers for 2020 through 2026. These records must be made available upon request of the commissioner or the commissioner's designee. Monthly reports must be timely filed, even if no product was transferred.
4. PPLC must review their SPCC plan no later than November 6, 2024 and update the plan if necessary, in accordance with 40 CFR § 112.5 *Amendment of Spill Prevention, Control, and Countermeasure Plan by owners or operators*.

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5. Prior to bringing any tanks into active service from out of service status, the tanks must be inspected as required by 06-096 C.M.R. ch. 600, § 12(C)(5). Prior to installing a release prevention barrier, the facility must meet the requirements found in 06-096 C.M.R. ch. 600, § 8(B)(6). The Department must be notified 30 days prior to a tank being brought back into active service or prior to installing a release prevention barrier and provide a copy of the 653 Inspection Report.
6. Within 120 days of the close of each financial reporting year, PPLC must provide its Guarantor's demonstration that the Guarantor meets the financial test criteria of 40 C.F.R § 280.95 based on year-end financial statements for the latest completed financial reporting year. This demonstration must include the letter from the chief financial officer described in 40 C.F.R § 280.95(d), the company financial statement that is the basis for the letter, and the Dun and Bradstreet financial strength rating. These financial test submittals must be submitted to the Department by May 1st of each year or PPLC must submit an alternative financial assurance mechanism in accordance with 38 M.R.S. § 552-B(1)(B).
7. The licensee shall secure and comply with all applicable Federal, State, and local licenses permits, authorizations, conditions, agreements, and orders prior to or during construction, alteration, modification, and operation as appropriate.

DONE AND DATED AT AUGUSTA, MAINE THIS _____ DAY

OF _____ 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
Melanie Loyzim, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application: July 13, 2020

Date of acceptance: July 27, 2020

Date filed with Board of Environmental Protection:

This Order prepared by Jamie Hoover, Bureau of Remediation & Waste Management