INDIVIDUAL OIL OPERATIONS PERMIT

Permit Number	**2023-OPT-3144**
Effective Date	December 1, 2026
Expiration Date	November 30, 2031

Pursuant to the provisions of Title 4 of the Environment Article, Annotated Code of Maryland and Code of Maryland Regulations (COMAR) promulgated thereunder, the Department of the Environment, hereinafter referred to as the "Department" or "MDE", hereby authorizes:

Permittee	American Sugar Refining, Inc.
Permittee Address	1 Federal Street Yonkers, New York 10705

to operate the following oil storage facility in accordance with the special and general conditions imposed by this permit:

Facility Name	American Sugar Refining
Facility Address	1100 Key Highway East Baltimore, 21230 Baltimore City

This Individual Oil Operations Permit is issued in addition to, and not in substitution of, the requirements of all applicable federal, state, and local statutes and regulations, and other permits or authorizations granted for this facility.

REPORT ANY OIL SPILL, RELEASE, OR DISCHARGE OF OIL IMMEDIATELY TO THE DEPARTMENT OF THE ENVIRONMENT

1-866-633-4686
(24 Hours)

AND THE APPROPRIATE FEDERAL AUTHORITY

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This permit authorizes the Permittee to store oil in the following aboveground storage tank (AST) systems:

AST No.	Size (gallons)	Oil Stored
A1	424,000	#2 Fuel Oil
A2	424,000	Empty
A3	500	Diesel Fuel
A14	500	Used Oil
A9	275	Lubricating Oil

I. SPECIAL CONDITIONS

A. The Permittee shall implement the following:

1. Measure and record in writing the liquid levels of the AST systems at this facility prior to filling as required by COMAR 26.10.17.08E and 26.10.18.07.08E.

2. Conduct periodic visual inspections, and formal inspections and leak testing (as required by STI/SPFA SP001 "*Standard for the Inspection of Aboveground Storage Tanks*") of the AST systems at this facility in accordance with COMAR 26.10.17.12.

3. Conduct periodic visual inspections as well as internal and external inspections of the field-erected AST systems in accordance with COMAR 26.10.18.11 and the American Petroleum Institute (API) Standard 653 "*Tank Inspection, Repair, Alteration, and Reconstruction*."

4. Perform per schedule the API 653 In-Service external inspection for the field-erected AST systems constructed to API standards. The API 653 inspection report also needs to include details of the following: normal and emergency venting, tank foundation, and corrosion protection (as applicable). The complete inspection reports shall be submitted to the Department within 60 business days upon completion of the test, including citation of required repairs, and the next API inspection schedule dates for the AST system.

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5. Perform per schedule the API 653 Out-of-Service internal inspection for the field-erected AST systems constructed to API standards. A minimum of 75% of the tank bottom plates shall be evaluated by a wide scanning device and 100% of the floor plate welds and shell-to-floor welds shall be evaluated by an inspection technique other than visual inspection. The API 653 inspection report also needs to include details of the following: normal and emergency venting, tank foundation, and corrosion protection (as applicable). The complete inspection reports shall be submitted to the Department within 60 business days upon completion of the test, including citation of required repairs, and the next API inspection schedule dates for the AST system. The 424,000-gallon #2 fuel oil (A1) AST system shall be inspected by no later than October 26, 2027.

6. Manage the drainage of the secondary containment dikes associated with the field-erected AST systems in accordance with COMAR 26.10.18.06. Maintain the dikes free of vegetation and combustible materials.

7. The 424,000-gallon empty (A2) AST system is not authorized to store oil. If the tank is to be returned to In-Service status, perform an API 653 out-of-service internal inspection, meet the requirements of COMAR 26.10.18.12B, and receive written approval from MDE at least 30 days prior to placing the AST system into service.

8. If any new or replacement AST systems are to be installed at this facility, notify MDE and modify this permit accordingly. Permanent closure and removal of AST systems shall be done in accordance with COMAR 26.10.17.13D and 26.10.18.12C, with notification to MDE at least 30 days prior and the submittal of a sampling workplan for MDE approval.

9. Sample each groundwater monitoring well (601, 602, 603) annually. Prior to taking a sample, a volume of water equal to 300% of the wetted volume of the casing and screen shall be removed. Each sample collected shall be analyzed for full-suite volatile organic compounds (VOCs), including fuel oxygenates and naphthalene, using EPA Method 8260, and total petroleum hydrocarbons - diesel and gasoline range organics (TPH-DRO and TPH-GRO) using EPA Method 8015. The analytical results shall be submitted to MDE within 45 days after the sampling event.

10. For the two 424,000-gallon (A1 and A2) field-erected AST systems:

    a. Verify that the AST systems are equipped with proper emergency venting designed and constructed to API 2000 "*Venting Atmospheric and Low-pressure Storage Tanks*" in accordance with COMAR 26.10.18.10B. If the venting is found to be inadequate, provide the AST systems with proper emergency venting.

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b. Repair the secondary containment dike to prevent water accumulation at the tanks' foundations in accordance with COMAR 26.10.18.06C(7).

c. Replace the piping penetrating the secondary containment dike walls with piping that does not do so, in accordance with COMAR 26.10.18.05B(1). Seal/repair the secondary containment dike afterwards to meet the requirements of COMAR 26.10.18.06C.

d. Repair the compromised portion of the tanks' insulation and remove the bottom one foot of insulation around the AST systems as noted in the April 25, 2021 API 653 out-of-service inspection report to facilitate visual inspections and prevent water and debris accumulation around the tank chime.

e. Install a corrosion protection system for each AST system that is designed and tested by a corrosion expert in accordance with COMAR 26.10.18.09B. Submit to MDE design documents for the system showing that it meets the requirements of COMAR 26.10.18.09B.

11. Provide the 275-gallon lubricating oil (A9) AST system with normal venting in accordance with COMAR 26.17.11A, NFPA 30 "*Flammable and Combustible Liquids Code*," and Underwriters Laboratories Inc. UL 142, "*Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids*."

B. Schedule of Compliance

1. Schedule

The Permittee shall achieve compliance with the Special Conditions in Section I.A. of this permit in accordance with the following schedule:

a. Special Conditions A.1 through A.9 shall be placed in effect upon receipt of this permit and be considered a continuous and ongoing operation.

b. Special Conditions A.10 and A.11 shall be completed by March 31, 2027.

2. Notification

No later than 14 calendar days following a specific date identified in Section I.B.1 of this permit, the Permittee shall submit either:

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a. A written notice of compliance on the Permittee's company letterhead signed by the Permittee that shall include:

i. A description of the actions taken by the Permittee to comply with the permit Special Conditions; or

b. A written notice of noncompliance on the Permittee's company letterhead signed by the Permittee that shall include:

i. A description of the noncompliance;

ii. A description of any actions taken or proposed by the Permittee to comply with the elapsed schedule requirement;

iii. A description of any factors which explain or mitigate the noncompliance; and

iv. The date that compliance with the elapsed schedule requirement will be achieved.

II. GENERAL CONDITIONS

A. Compliance with Regulations

The Permittee shall comply with the following provisions of COMAR 26.10:

1. COMAR 26.10.01.04—.06 and COMAR 26.10.08 and 26.10.09 when a suspected or confirmed spill, release, or discharge occurs;

2. COMAR 26.10.01.03, .04, .10—.12, .19, and .24;

3. For an aboveground oil storage facility:

a. COMAR 26.10.01.18, .20, and .21;

b. If the facility is located at a marina, COMAR 26.10.01.14;

c. If the facility manages used oil, COMAR 26.10.15;

d. If the facility has shop-fabricated ASTs, COMAR 26.10.17;

e. If the facility has field-erected ASTs, COMAR 26.10.18;

f. If the facility has underground piping connected to an AST, COMAR 26.10.03.02 and 26.10.05.02D; and

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g. COMAR 26.10.10, which specifies the closure requirements for underground piping connected to an AST;

4. If the facility conducts deliveries or transfers of oil using a truck tank or transport, COMAR 26.10.01.16 and .17;

5. The oil transfer requirements in COMAR 26.10.01.18;

6. For an oil-contaminated soil facility, COMAR 26.10.13; and

7. For an oil solidification/stabilization facility, COMAR 26.10.01.15.

The Permittee is not authorized by this permit to discharge oil or cause oil to be discharged into waters of the State.

B. Plan for Notification, Containment, and Removal of Oil Spills, Releases, and Discharges

The Plan for Notification, Containment, and Removal of Oil Spills, Releases, and Discharges ("Plan") submitted by the Permittee as part of its application for this permit is fully incorporated into this permit, and the Permittee shall comply with its Plan. The Permittee shall review the Plan annually and update the Plan as necessary. The Permittee shall notify the Department in writing of any change in the Plan.

C. Immediate Reporting of a Suspected or Confirmed Oil Spill, Release, or Discharge

In accordance with COMAR 26.10.01.05 and 26.10.08.01, the Permittee shall notify the Department immediately, but not later than 2 hours after detecting a suspected or confirmed spill, release, or discharge and also notify the appropriate Federal authority of any such spill, release, or discharge of oil or other petroleum products.

The Permittee shall notify the Department for any oil spill, release, or discharge regardless of the size, source, or the cause, including spills, releases, or discharges in secondary containment areas.

The Permittee shall make such reports by telephone to the telephone number listed on the front page of this permit, and shall include as a minimum the following information:

1. Time and date of the spill, release, or discharge;

2. Location and cause of the spill, release, or discharge;

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3. Mode of transportation or type of facility involved;

4. Type and quantity of oil spilled, released, or discharged;

5. Assistance required;

6. Name, address, and telephone number of person making the report; and

7. Any other pertinent information requested by the Department.

D. Responsibility for Performing a Removal of an Oil Spill, Release, or Discharge

In the event a spill, release, or discharge of oil has occurred, the Permittee shall immediately commence control, containment, removal, and restoration operations. The Permittee has the primary responsibility for the immediate commencement of the control, containment, and removal of any oil spilled, released, or discharged at the facility, and the Permittee will have the continued responsibility for the complete removal to the satisfaction of the Department unless another party is found to be the person responsible for the discharge. Failure by the Permittee to act promptly and responsibly may result in the control, containment, and removal of the oil and restoration by the Department or its agent with the costs assessed to the Permittee.

E. Written Report of the Occurrence of an Oil Spill, Release, or Discharge

In accordance with COMAR 26.10.01.05, the Permittee shall submit to the Department a written report within 10 days after completion of the control, containment, removal, and restoration operations in the following situations: 5 gallons or more of oil was spilled, released, or discharged; oil was discharged to waters of the state regardless of the amount; or as directed by the Department.

The written report shall include the following:

1. Date, time, and place of the spill, release, or discharge;

2. Amount and type of oil spilled, released, or discharged;

3. A complete description of circumstances contributing to the spill, release, or discharge;

4. A complete description of the containment and removal operations performed, including disposal sites to which oil refuse was transported;

5. Procedures, methods, and precautions instituted to prevent recurrence of an oil spill, release, or discharge from the facility involved;

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6. Any other information considered necessary or required by the Department for a complete description of the incident; and

7. A certification that the information provided is true and correct to the knowledge of the person signing the report.

F. Facility Operation and Maintenance

All treatment, control, and monitoring facilities or systems installed or used by the Permittee shall always be maintained in good working order and operated efficiently. The operation of the permitted facility shall be consistent with the terms and conditions of this permit and applicable sections of COMAR 26.10.

G. Removed Oil, Used Oils, Waste Oils, or Oily Substances

The Permittee shall manage all oils, used oil, waste oil, oily solids or sludges, or other oil contaminated substances generated by, or removed from, the operations of this permitted facility in accordance with all applicable federal, state, and local laws including COMAR 26.10.15. The Permittee shall dispose of such substances in a manner to prevent any such removed substances or runoff from such substances from entering or from being placed in a location where they are likely to pollute waters of the State.

H. Monitoring by Permittee Required

The Permittee shall conduct inspections of ASTs and any underground piping that may be present in accordance with the applicable regulations found in COMAR 26.10.05, 26.10.17, and 26.10.18. The Permittee shall supervise and check, on a regular schedule, all aspects of the oil operations involved, and shall identify and correct any deficiency in operational procedure and any actual or potential defect or weakness in the operating system so as to prevent occurrences of oil spills, releases, and discharges.

I. Records Retention Required

The Permittee shall retain all records related to the management of any ASTs at the permitted facility in accordance with the applicable sections of COMAR 26.10.17 and 26.10.18. The Permittee shall retain all other records and information resulting from the monitoring activities required by this permit for a minimum of 5 years. This retention time may be extended during the course of litigation or when so requested by the Department.

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J. Right of Entry

In accordance with COMAR 26.10.01.19, the Permittee shall permit authorized representatives of the Department entry into the Permittee's facilities to conduct inspections necessary to monitor compliance with the terms and conditions of this permit. The Permittee shall provide such assistance as may be necessary to conduct such inspections effectively and safely.

The Department may exercise its right of entry through use of an unmanned aircraft system to conduct inspections, collect samples, or make visual observations through photographic or video recordings.

K. Permit Modification

1. Request by Permittee

a. To request a modification of this permit, the Permittee shall submit to the Department a request in writing on company letterhead and signed by the Permittee.

b. Before implementing a change, the Permittee shall submit a request to the Department to modify this permit for one or more of the following substantial changes in either the size or scope of the permitted oil operation or in the information provided to the Department in the permit application:

i. The sale, transfer of ownership, or change in ownership structure of the AST system or the oil storage facility or oil handling facility;

ii. The installation or removal of an AST system at the oil storage facility or oil handling facility;

iii. A change in the methods, processes, or operations for the treatment of oil-contaminated soil;

iv. A change in methods, processes, or operations used for the solidification/stabilization of oil sludge, oil refuse, or oil mixed with other waste;

v. The addition of, or a change in the type of, secondary containment or diking used as containment for an AST system, loading/unloading rack, or transfer area at an oil storage facility or oil handling facility;

vi. A change in the type of oil stored in an AST system;

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vii. The installation or removal of underground piping associated with an AST system;

viii. A change in status of the AST system from or to in-service, permanently closed or out-of-service, including a change-in-service to store a non-oil product in the AST system; and

ix. Upon notification by the Department, a change determined by the Department to constitute a substantial change in either the size or scope of the permitted oil operation or in the information provided to the Department in the permit application.

2. Action by the Department

a. In accordance with COMAR 26.10.01.12B(2), the Department may modify a permit as necessary to:

i. Carry out the intent and purpose of COMAR 26.10; and

ii. Allow the Permittee to implement one or more substantial changes as listed under Section II.K.1.b of this permit.

b. The Department may deny the Permittee's request to modify the permit for the reasons provided in COMAR 26.10.01.12B(1) and listed under Section II.L. of this permit.

L. Permit Suspension or Revocation

In accordance with COMAR 26.10.01.12B, the Department may suspend or revoke a permit if the Department determines that:

1. A violation of a provision of the permit or other applicable federal, State, or local requirements related to oil pollution has occurred;

2. A violation of the Environment Article, Annotated Code of Maryland or a regulation adopted under the Environment Article, Annotated Code of Maryland has occurred;

3. False or inaccurate information or data was provided in an application for the permit or any other document submitted to the Department under the terms and conditions of the permit;

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4. The Permittee has failed to report to the Department a substantial change that requires a permit modification as stated in COMAR 26.10.01.12B(2) and Section II.K.1. of this permit; or

5. Any other good cause exists for suspending or revoking the permit.

M. Transfer of Ownership or Control of Facilities

In the event of any change in control or ownership of the facilities for which this permit has been issued:

1. The Permittee shall notify, in writing, the succeeding owner or his assigned representative of the existence of this permit and of any outstanding violations of the permit. A copy of this notification shall be forwarded to the Department at least 30 days prior to said change in control or ownership.

2. The succeeding owner or their assigned representative shall notify the Department in writing, that the succeeding owner accepts the terms and conditions of the permit. Notification shall be made to the Department within 30 days after said change in ownership occurs.

N. Civil and Criminal Liability

Nothing in this permit shall be construed to preclude initiation of any legal action by the Department nor relieve the Permittee from civil or criminal penalties for noncompliance with Title 4 of the Environment Article, Annotated Code of Maryland, or any local, federal, or other State laws or regulations.

O. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of State or local laws or regulations.

P. Miscellaneous Provisions

1. All permits and files of the Department relating to such permits shall be available for public inspection.

2. The State of Maryland is not precluded by the issuance of this permit from imposing other changes relating to the operations of the facility.

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Q. Severability

If any provisions of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provisions shall be considered severed and deleted from this permit.

R. Permit Expiration

This permit shall expire at midnight on the expiration date of the permit. In order to receive authorization to continue operation of the oil operations facility beyond the above date of expiration, the Permittee shall submit such information, and/or forms as are required by the Department no later than 60 days prior to the above date of expiration.

Stephanie Cobb Williams, Esq.
Director
Land and Materials Administration

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