SUNOCO LP

April 14, 2025

Honorable Denise Tepler, Senate Chair
Honorable Victoria W. Doudera, House Chair
Joint Standing Committee On Environment and Natural Resources
100 State House Station
Augusta, ME 04333

RE: ***Testimony in Opposition to LD 1507 titled "An Act to Require General Public Notification of Oil Terminal Facility Transfer Activities."***

Dear Senator Tepler, Representative Doudera, and Members of the Committee on Environment and Natural Resources,

My name is Joe McGinn, and I appreciate the opportunity to appear today on behalf of Sunoco LP ("Sunoco") to provide testimony in opposition to LD 1507 titled "An Act to Require General Public Notification of Oil Terminal Facility Transfer Activities." If implemented, this law would require public reporting of incoming and outgoing shipments from oil terminals to vessels and tanker trucks. Sunoco is committed to safely operating its bulk storage terminals, including its terminal in South Portland, in compliance with all federal, state, and local environmental, health, safety, and security regulations. For the reasons explained below, however, these proposed requirements would provide negligible marginal benefit compared to the significant risks and costs to implement such a program.

1. ***The Proposed Requirements Frustrate the Secure Nature of Similar Reporting Under Other Security and Safety Regulations and Ordinances***

Many vessels visiting marine oil terminals must submit a Notice of Arrival (NOA) to the Coast Guard's National Vessel Movement Center (NVMC). The NOA must include, among other things, the vessel's past itinerary, transported cargo, and crewmember information. This information is submitted through a secure system designed to protect sensitive data with access managed to ensure authorized use. *See* 33 CFR § 160.201 *et seq.*

Furthermore, certain local ordinances already require reporting of incoming vessel shipments. For example, for our South Portland terminal, we must submit incoming shipment information to the South Portland Fire Department. This information facilitates emergency response and fire protection. The same ordinance section also requires, among other things, a dock watchman to ensure the safe transfer of product from any vessel and safety compliance for related dock activities. South Portland Ordinance § 8-8.7(8).

Implications: Public notification of incoming vessel shipments to marine oil terminals would contradict the secure nature of submitting NOAs to the Coast Guard. Furthermore, the public availability of such information to an unsecure text message group could jeopardize many of the safety considerations accommodated by the Coast Guard regulations and South Portland fire safety ordinance.

2. ***The Proposed Requirements Frustrate the Implementation of Security Plans under the Maritime Transportation Security Act administered by the Coast Guard***

The Maritime Transportation Security Act (MTSA) of 2002 is a significant piece of legislation administered by the U.S. Coast Guard to enhance security in U.S. ports and waterways. The goal of the

MTSA is to prevent a Transportation Security Incident (TSI), which is defined as any incident that results in:

- Significant loss of life;
- Environmental damage;
- Transportation system disruption; or
- Economic disruption to a particular area.[1]

Using risk-based methodology, all regulated vessel and facility owners and operators must conduct in-depth performance-based security assessments of their operations to identify security weaknesses and vulnerabilities. Facilities include this information in, among other things, Facility Security Plans (FSP). *See* 33 CFR Part 105.

As part of the FSP, any applicable facility must draft a Facility Security Assessment (FSA) pursuant to 33 CFR Part 105, Subpart C. This assessment must, among other things, identify vulnerabilities in the facility's physical security, protection systems, procedural policies, communication systems, and utility systems, among others. These vulnerabilities also include any "[a]reas that may, if . . . used for illicit observation, pose a risk to people, property, or operations within the facility." 33 CFR § 105.305(c)(1)(vii). Possible security threats include the hijacking of a vessel. § 105.305(c)(2)(ii). The FSA must also include countermeasures for the identified vulnerabilities. The facilities must periodically renew this analysis and update the FSP accordingly.

Implications: Although the applicable Coast Guard regulations may not explicitly prohibit texting the general public with this information, sharing such operational details to a public group would obviously frustrate the purpose of the MTSA, FSPs, and FSAs. Moreover, at least one Coast Guard correspondence has referenced NOAs/vessel arrivals as sensitive information.[2] With knowledge of vessel arrivals and departures, especially those vessels containing hazardous materials, malicious actors could much more easily execute planned disruptions or even terrorist events.

4. The Proposed Requirements are Redundant with Federal and State Air Emission Regulations

In 2023, Maine DEP enacted regulations in Chapter 171 implementing a comprehensive fence line monitoring and inspection regime at liquid fuel terminals in Maine. These requirements are some of the most stringent in the country. They include, among other things, monitoring of VOCs at multiple locations at each regulated facility's fence line, monthly visual and VOC monitoring of all floating roof tanks to ensure floating roof integrity and performance and quarterly optical gas imaging (OGI) for leak detection of all facility equipment in VOC service. The OGI sampling includes visualization of emissions from, among other things, tank vents and related equipment. Furthermore, facilities submit quarterly reports to the Maine DEP with this fence line monitoring data, which is publicly posted. To date, only three quarters of fence line monitoring data has been submitted. *See* 06-096 C.M.R. ch. 171.

Furthermore, emissions from working losses such as tank fillings and emptying are already accommodated in air emission calculation methodologies provided by the EPA. For example, AP-42

[1] United States Coast Guard, ISPS / MTSA (accessed Dec. 27, 2024) *available at* https://www.dco.uscg.mil/ISPS-MTSA.

[2] *See, e.g.*, Coast Guard Commandant: Inspections and Compliance (CG-5PC), "Marine Safety Information Bulletin" (May 24, 2019) (stating that "[c]yber adversaries are attempting to gain sensitive information including the content of an official Notice of Arrival").

Chapter 7.1 titled "Organic Liquid Storage Tanks"[3] provides the necessary equations to calculate regulated emissions from bulk petroleum storage tanks based on, among other things, tank emission controls, stored product, and ambient temperature. Although these equations accommodate working losses from incoming and outgoing product movements on an annual basis, they can be used to understand the relationship between these different factors and the relatively low contribution of short-term emissions bursts from loading and offloading activities.

Implications: The referenced regulations already provide insight into emissions from terminal activities. Any disagreement with the applicability or effectiveness of these AP-42 emission factors should reference specific alleged deficiencies from its extensive body of research and analysis. Implementing a system for public reporting of short-term emissions—also referenced as "burst emissions"— would therefore impute a duplicative program with no marginal benefit while jeopardizing legitimate security considerations. To the extent that they exist, any ambient VOCs emissions from such events could be deduced by comparing the data collected by the Chapter 170, the emission calculation methodology mandated by federal programs, and data of product shipments from other secured sources.

Sunoco appreciates the Committee's considerations regarding these issues. Sunoco is committed to safely operating its bulk storage terminals in compliance with all federal, state, and local environmental, health, safety, and security regulations.

[3] AP42 Chapter 7.1, Organic Liquid Storage Tanks (October 2024), *available at* https://www.epa.gov/system/files/documents/2024-10/c7s1_2024_clean.pdf.