

Childears, Jennifer L (DNREC)

From: Klotz, Bradley A. (DNREC)
Sent: Monday, May 2, 2022 10:05 AM
To: Mann, Amy (DNREC)
Cc: DAQ.DNREctory
Subject: FW: Twinco Romax, LLC→ Highline Warren, LLC (Company Name Chang/Chane in Ownership)
Attachments: Sample OWNERSHIP CHANGE LETTER.pdf; New Applicant Background Chapter79Form.pdf

Amy,

Just sending along for your files.

From: Klotz, Bradley A. (DNREC)
Sent: Friday, April 22, 2022 8:44 AM
To: Ken Hannon (KHannon@brightfieldsinc.com) <KHannon@brightfieldsinc.com>
Subject: Twinco Romax, LLC→ Highline Warren, LLC (Company Name Chang/Chane in Ownership)

Good morning Ken:

It was nice to meet with you yesterday, and I appreciate our discussion and the facility's patience as we move forward with permitting the process changes. In follow-up to one of the items we discussed yesterday afternoon, I would like to make sure that everything included regarding the facility's recent application has been covered since we received a prior public hearing request for the previous submittals and would like no stone unturned should it go to a public hearing.

According to Section 7.2, of 7 **DE Admin Code** 1102 -Permits: *"No person shall transfer a registration from one location to another, or from one piece of equipment to another. No person shall transfer a registration from one person to another person unless prior written notice is given to the Department, indicating the transfer is agreeable to both persons."*

Please submit a letter prior to transfer of ownership requesting the transfer of the currently held permits with signatures from both parties (current owner and new owner). Additionally, please specify the effective date of the transfer in the letter. If the new owner does not currently hold any Air Permits/Registrations with the State of Delaware, the new owner/operator should complete the attached 7 Del. C. Chapter 79 Form -Environmental Permit Application Background Statement and include with the submittal. I included an example of prior ownership change of the one my assigned permitted facilities as reference and a New Applicant Background Chapter 79 Form.

If it is just a change in the facility's name and not a change in ownership the letter should indicate such and the effective date of the facility name change.

The required information should be submitted to the following address:

DNREC - Division of Air Quality
State Street Commons, Suite 6A
100 West Water Street
Dover, Delaware 19904

Additionally, I would please ask that you send attached electronic signed/completed letter and form to me via email since it took several weeks for me to receive the previous application submittals due to what I assume were entry issue delays in our document imaging system. There has been some turnover in our admins in our Dover Office.

Please feel free to contact me, if you have any questions or would like to discuss further.

Sincerely,

Brad



Bradley A. Klotz
Environmental Engineer

☎ 302-324-2088
✉ Bradley.Klotz@delaware.gov
📍 715 Grantham Lane
New Castle, DE 19720
🌐 dnrec.delaware.gov



Bradley A. Klotz
Environmental Engineer

☎ 302-324-2088
✉ Bradley.Klotz@delaware.gov
📍 715 Grantham Lane
New Castle, DE 19720
🌐 dnrec.delaware.gov





DELAWARE DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL ("DNREC")

ENVIRONMENTAL PERMIT APPLICATION
BACKGROUND STATEMENT

Pursuant to 7 Del. C. Chapter 79

FILING STATUS:

This Background Statement is being filed with DNREC because:

- 1. It is an initial application for a new permit (or permits) and the applicant or applicant company has not held a permit issued by DNREC for a period of 5 or more years [See 7 Del. C. § 7902(a) and (b)];
- 2. It is required on an annual basis because the applicant or applicant company has been designated a chronic violator pursuant to 7 Del. C. § 7904 [See 7 Del. C. § 7902(a)(7) and (b)(2)]; or
- 3. It is required on an annual basis as the applicant or applicant company has been found guilty, pled guilty or no contest to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment as defined in 7 Del. C. § 7902(c) [See 7 Del. C. § 7902(a)(7) and (b)(2)].

APPLICANT OR APPLICANT COMPANY'S NAME OR COMPANY'S NAME FILING STATEMENT	
DATE OF APPLICATION OR DATE OF STATEMENT	
PERMIT(S) BEING APPLIED FOR OR STATEMENT FOR FILING STATUSES 2 OR 3	<input type="checkbox"/> Permit Type(s) _____ <input type="checkbox"/> Statement for filing Statutes 2 or 3—If filing under these statutes, attach a statement of the date of designation as Chronic Violator or the date of Conviction/Plea.
OTHER DNREC PERMITS HELD	<input type="checkbox"/> N/A – No other permits held with DNREC <input type="checkbox"/> List of all DNREC permits currently held with dates of issuance and expiration attached.

ENVIRONMENTAL PERMIT APPLICATION BACKGROUND STATEMENT

Please note: Companies filing statements pursuant to Chapter 79 have the right to identify information to be afforded confidential status pursuant to 7 Del. C. § 7903(b) and the requirements set forth in Section 6, "Requests for Confidentiality" of the DNREC *Freedom of Information Act Regulation*.

PROVIDING ALL OF THE INFORMATION REQUESTED IN THIS FORM SATISFIES THE REQUIREMENTS OF 7 DEL. C. CHAPTER 79 ("ENVIRONMENTAL PERMIT APPLICATION BACKGROUND STATEMENT") UNLESS THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL ("DNREC") OR THE DELAWARE DEPARTMENT OF JUSTICE DETERMINES THAT ADDITIONAL SUBMISSIONS ARE NECESSARY. FAILURE TO PROVIDE THE INFORMATION REQUESTED OR PROVIDING ERRONEOUS INFORMATION IS GROUNDS FOR DENYING OR REVOKING AN ENVIRONMENTAL PERMIT/APPROVAL/LICENSE, AND FOR CIVIL AND/OR CRIMINAL PENALTIES.

A. (Authority – 7 Del. C. § 7902(a)(1&2) & § 7905) Attach a complete list (full names) of all current members of the applicant company's board of directors, all current corporate officers, all persons owning more than 20% of the applicant's stock or other resources, all subsidiary/affiliated companies with type of business performed, street addresses, all parent companies with addresses, all companies with which the applicant's company shares two or more members of the board of directors, and the name(s) of the person(s) serving as the applicant's local chief operating officer(s) with respect to each facility covered by the permit in question or for the statement required for filing Statuses 2 or 3. [Note: For companies that do not have a *facility* located in Delaware, no listing for the local chief operating officer(s) is required].

- Information attached
- Information attached, except for local chief operating officer as there is no facility located in the State of Delaware.

B. (Authority - 7 Del. C. § 7905) Please check one of the following selections below, showing type of ownership for the applicant or applicant/statement company:

- Proprietorship List the state, county, book record and page number where the certificate is found (Attach hereto).
- Partnership List the state, county, book record and page number where the certificate is found (Attach hereto).
- Corporation
(LLCs included) List the city, state, date of incorporation, corporation file number, current corporate standing, registered agent, and address of the registered agent (Attach hereto).
- Municipality
- Public Institution/
Government Agency
- Other _____

C. (Authority - 7 Del. C. § 7902(a)(3) & § 7905) Have any of the following been issued to or agreed to by the applicant or applicant/statement company, any employee, person, entity, or subsidiary/affiliated company, specified in response to Item A, for violation of any environmental statute, regulation, permit, license, approval, or order, regardless of the state in which it occurred, during the five years prior to the date of this application/statement

OFFENSE	YES	NO
Notice of Violation(s)		
Administrative Order(s)		
Administrative Penalty(ies)		
Civil Action(s)		
Civil Penalty(ies)		
Civil and/or Administrative Settlement Agreement(s)		
Permit/License/Approval Revocation		
Arrest(s)		
Conviction(s)		
Criminal Penalty(ies)		
Criminal Plea Bargain		

D. (Authority - 7 Del. C. § 7902(a)(3), (a)(4) & § 7905) If you answered “yes” to any of the actions listed in Item C above for the applicant or applicant company or any other person identified in Item A, attach a description of the incidents or events leading to the issuance of each action, regardless of the state in which it occurred, for the 5 years prior to the date of the statement, and the disposition of each action, what state the action/offense occurred in, and any actions that have been taken to correct the violations that led to such enforcement action.

- N/A
- Information attached

E. (Authority - 7 Del. C. § 7902(a)(5) & § 7905) Attach a description of any felony or other criminal conviction for a crime involving harm to the environment or violation of environmental standards of any person or entity identified in Item A above that resulted in a fine greater than \$1,000 or a sentence longer than 7 days, regardless of whether such fine or sentence was suspended.

- N/A
- Description attached

F. (Authority - 7 Del. C. § 7902(a)(6) & § 7905) Attach copies of any and all settlements of environmental claims involving the applicant, associated with actions identified in response to Item D above, whether or not such settlements were based on agreements where the applicant did not admit liability for the action.

- N/A
- Information attached

Items for Filing Statuses 2 or 3 Only

G. (Authority - 7 Del. C. § 7902(a)(7) and § 7905) If the applicant or applicant/statement company has been found guilty, pled guilty or no contest, to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment attach a summary of the events involved and a copy of the disposition of the action (See 7 Del. C. § 7902(c) for definitions of “serious physical injury” or “serious harm to the environment” before answering this question.)

- N/A
- Yes – Information Attached.

H. (Authority - 7 Del. C. § 7902(a)(8)) – If the applicant or applicant/statement company has been designated a chronic violator under 7 Del. C. § 7904, a detailed written report from an independent inspector who has inspected the applicant’s premises for the purpose of detecting potential safety and environmental hazards to employees and the surrounding community. The Secretary may waive the duty to submit a detailed written report upon a showing of good cause by the applicant. A showing by the applicant that the acts which caused it to be designated as a chronic violator did not jeopardize public health shall constitute “good cause” under this paragraph.

I. (Authority - 7 Del. C. § 7902(a)(7)) – If the applicant or applicant/statement company has been designated a chronic violation under § 7904 of this Title, ***OR*** has been found guilty or pled no contest to any crime involving violation of environmental standards which resulted in serious physical injury or serious harm to the environment, a statement made under oath by the applicant or applicant/statement company’s local chief operating officer with respect to the facilities covered by the permit, stating that: (a) disclosures made by the applicant/reporting company under federal and state environmental statutes and regulations during the preceding calendar year have been, to the chief operating officer’s knowledge, complete and accurate, and (b) that the facility has implemented policies, programs, procedures, standards or systems reasonably designated, in light of the size, scope, and nature of facility operations to detect and promptly correct any noncompliance with state environmental statutes and regulations. The statement filed pursuant to this paragraph shall include an acknowledgement by the affiant that intentionally false statements submitted in compliance with this paragraph constitute criminal perjury as defined at 11 Del. C. §§1221-1222.

STATE OF DELAWARE – DEPT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
ENVIRONMENTAL PERMIT BACKGROUND STATEMENT

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ THE PRECEEDING SUBMISSION, HAVE PROVIDED ALL OF THE INFORMATION REQUESTED, AND THAT ALL OF THE INFORMATION PROVIDED IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE—APPLICANT OR
OFFICER OF APPLICANT / STATEMENT COMPANY

DATE: _____

NAME: _____

TITLE: _____

COMPANY
NAME: _____

ADDRESS: _____

TELEPHONE: _____

FAX NUMBER: _____

REGISTERED
AGENT NAME: _____

ADDRESS: _____

TELEPHONE: _____

FAX NUMBER: _____

SWORN TO AND SUBSCRIBED

BEFORE ME THIS _____ DAY OF

_____, _____.

NOTARY PUBLIC SIGNATURE (SEAL)

PRINTED NAME OF NOTARY PUBLIC

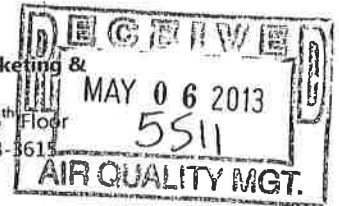
STATE / COUNTY

MY COMMISSION EXPIRES ON: _____



Sunoco Logistics

**Sunoco Partners Marketing &
Terminals L.P.**
1818 Market Street, 15th Floor
Philadelphia, PA 19103-3615



April 1, 2013

Attn: Mr. Ali Mirzakhali
Delaware Department of Natural Resources and Environmental Control
Division of Air Quality
Blue Hen Corporate Center
655 S. Bay Road, Suite 5N
Dover, DE 19901

AQM-003/00021-R1-Rev2

**RE: Sunoco Partners Marketing & Terminals L.P. – Marcus Hook Industrial Complex
Request for Permit Transfer of Ownership
Permit Number(s): AQM-003/00021**

Mr. Mirzakhali:

Sunoco Partners Marketing & Terminals L.P. is requesting a transfer of the above referenced permit(s) from the current owner Sunoco, Inc. (R&M). The transfer is effective as of the sale on April 1, 2013 of the referenced permitted facility to Sunoco Partners Marketing & Terminals L.P. The name and mailing address of the new permittee is provided as follows:

Sunoco Partners Marketing & Terminals L.P.
Attn: Environmental Department
1818 Market Street, 15th Floor
Philadelphia, PA 19103-3615

Sunoco Partners Marketing & Terminals L.P. has agreed to accept permit responsibilities, coverage and liabilities, effective April 1, 2013. Attached is a "Letter of Acceptance" signifying acceptance by Sunoco Partners Marketing & Terminals L.P. of the permit responsibilities, coverage and liabilities.

Also included with this submission are the completed permit forms and permit fees, as applicable.

Please contact me at (859) 556-9441 if you have any questions.

Sincerely,

Dave Caracappa, P.E.
Sr. Environmental Engineer

Letter of Acceptance:

Sunoco Partners Marketing & Terminals L.P. hereby acknowledges and agrees to accept permit responsibilities, coverage, and liability, effective April 1, 2013, for the above referenced permit(s).

Sunoco Partners Marketing & Terminals L.P.
Transferee of Ownership (or on behalf of Transferee of Ownership)

Date: 4/11/13

By: Michael J. Hennigan

Michael J. Hennigan
President & CEO

Sunoco, Inc. (R&M)
Transferor of Ownership (or on behalf of Transferor of Ownership)

Date: 4/18/13

By: Robert W. Owens

Robert W. Owens
President & CEO