



# Instructions for Completing the Application for a Terminal Facility License

Use these instructions to: 1) complete an Application For Terminal Facility License and 2) prepare supporting documents. These instructions are not a substitute for the requirements of the relevant statutes and any regulations there under. You should review all applicable laws prior to completing this application. Remember, it is your responsibility to comply with all applicable laws.



## Introduction

The Oil Spill Prevention and Pollution Control Act prohibits the discharge of oil, petroleum products or their by-products, and other pollutants into or upon any costal waters, estuaries, tidal flats, beaches, and adjoining the seacoast of the territory. Pursuant to this section 706(1) of the Act, any person who owns or operates a terminal facility must apply for a license from the Division of Environmental Protection (DEP). A Terminal Facility is any waterfront facility of any kind or area used for the loading or discharge of petroleum or chemical liquid or products to or from vessels. If you have any questions, please contact the Terminal Facility Program Coordinator at the DEP Water Pollution Control Program at (340) 774-3320

## Who Needs a License?

### *New Application*

An owner or operator of a new Terminal Facility or a Terminal Facility with out a license must submit a completed application and obtain a license from DEP to operate such facility prior to commencing its operations or continuing operation.

### *License Renewal Application*

An owner or operator of a Terminal Facility with an existing permit must submit a completed application for renewal, such a facility to DEP at least thirty days prior to expiration of the existing license. Licenses shall be issued on an annual basis and shall expire on December 31<sup>st</sup> annually in accordance with Section 706(2) of the Act.

## *License Modification*

Prior to implementing any modifications to the facility, the owner or operator must provide written notification to:

Department of Planning & Natural Recourses  
Division Of Environmental Protection  
Cyril E. King Airport  
Terminal Building, Second Floor  
St. Thomas, U.S.V.I. 00802  
(340) 774-3320

Examples of modifications include (but are not limited to): a change in the identity of the facility's owner or operating company; a change to the facility such as tank reconstruction, renewal or addition; dock or bulkhead alterations; or loading or off-loading area modifications.

If you need to submit a revised license application based upon any modification, you will receive written notification from DEP.

Please also be aware that *all* changes in phone numbers must be immediately reported to the Terminal Facility Program Coordinator at (340) 774-3320; followed by a confirmation, in writing, within 30 days of the change.

## **How To Apply**

Your license application must include the following:

- *A Permit Application Transmittal Form*
- *A Application for Terminals Facility License and all Supporting Documents,*

- Each registrant shall obtain from DPNR DEP a license for each of its terminal facilities in the territory and shall pay an amount; not to exceed five hundred (\$500) dollars, determined by DEP upon the basis of the total capacity of the terminal facility. In addition a two hundred and fifty (\$250) dollars permit processing fee. DEP will not process an application unless the required fee has been paid.

You must submit the above materials together as a package to:

Department of Planning & Natural Resources  
 Division Of Environmental Protection  
 Cyril E. King Airport  
 Terminal Building, Second Floor  
 St. Thomas, U.S.V.I. 00802  
 (340) 774-3320

When submitting your license application, label your supporting documents as directed on your application form and always include, on each document, the applicant's name as indicated on the *Permit Application Transmittal Form*. When additional space is necessary to answer a question stated in the application, please insert additional sheets by the appropriate question. Label each sheet with the applicant's name as indicated on the *Permit Application Transmittal Form* along with the corresponding part number and question number indicated on the license application form. You should retain a copy of all documents for your files.

### License Application Instructions

Please read the application form and instructions carefully. They have been designed to obtain specific information and any information that is missing or unclear will cause delays in the review process. If any questions are not applicable to your specific activity, please enter "N/A" in the space provided. If a question or supporting document is only required for specific activities it will be noted on the application form and in the instructions.

Please be advised that these instructions are not a substitute for any local or federal regulations. Be sure to refer to the appropriate statutes and regulations while completing your application.

### Part I: Application Type

Please indicate whether you are applying for a new license or for a renewal of an existing license by checking the appropriate box. A license is deemed to be "existing" *only* if it has not yet expired on the date you file your application. Please provide the existing license number.

### Part II: License Fee Information

Each registrant shall obtain from DPNR DEP a license for each of its terminal facilities in the territory and shall pay an amount; not to exceed five hundred (\$500) dollars, determined by DEP upon the basis of the total capacity of the terminal facility. In addition a two hundred and fifty (\$250) dollars permit processing fee. DEP will not process an application unless the required fee has been paid.

### Part III: Applicant Information

When completing this part, please use the following standards:

- *Name* - Provide the full, legal *company/firm* name. (If identifying a *corporation* or *limited partnership* registered with the Lieutenant Governor's Office, fill in the name exactly as it is shown on the registration.) If identifying an *individual*, provide the full legal name (include title and suffix) in the following format: Title (Ms, Dr, etc.); First Name; Middle Initial; Last Name; Suffix (Jr., PE, Ph.D., etc.).
  - *Phone* - Unless otherwise indicated, the phone number provided should be the number where the individual can be contacted during daytime business hours.
  - *Contact Person* - Provide the name of the specific individual within the company whom DEP may contact.
1. *Applicant* - Fill in the name and phone number exactly as it appears on the *Permit Application Transmittal Form*.
  2. *Primary Contact* - If you have authorized a consultant, engineer, attorney or other individual to act for you during the processing of the license application, complete this section. DEP will direct copies of all correspondence and inquiries to the primary contact.

3. *Attorney* - It is not required that an applicant be represented by an attorney or any other agent. If you do have an attorney, complete this section.
4. *Facility Owner* - List the owner of the facility to be licensed.
5. *Facility Operator* - List the entity responsible for managing the terminal operation. The operator may be different than the owner. Examples of separate owner and operator are a lessee of the land or buildings on which the facility is located, or a person under contract specifically to conduct the day-to-day business of the facility. In addition, list any alternate operator(s).
6. *Terminal Manager* - List the terminal manager, if different than the terminal operator. Both the business and home phone numbers are required.
7. *Qualified Individual and Alternate Qualified Individual* - List the qualified individual and alternate qualified individual as listed in the facility response plan (33 CFR 154.1026).
8. *Engineers or Consultants* - List engineers or consultants employed or retained to assist in preparing the application or to design, construct or inspect the proposed facility.
9. *Clean up Organization* to which the owner or operator of the facility belongs.

#### **Part IV: Site Information**

1. The facility name, if applicable, should be the name by which the facility is commonly known and/or uniquely identified.

The information given, as the location address should be the address of the property at which the proposed activity will take place. Include the street address and municipality. If the property does not have a street number, describe the location in terms of the distance and direction from an obvious landmark.

Provide the latitude and longitude, in degrees, minutes and seconds, of the marine pier or other point where the product enters the facility. In addition, please indicate the method used to determine the latitude and longitude coordinates. There are a variety of methods of deriving latitude and longitude coordinates with the Global Positioning System (GPS) being the most accurate.

#### **Part V: Supporting Documents**

All permit applications must include Attachments A through H, unless otherwise noted in these instructions. Place a check mark in the appropriate box by each applicable attachment as verification that all applicable attachments have been submitted. Please label all attachments as referenced in the license application form and these instructions and be sure to include the name of the applicant as indicated.

Any plans required as attachments under this part, must be kept up to date with DEP. Whenever modifications are made, the replacement pages (numbered and with a cover page identifying the document) should be transmitted to:

Department of Planning & Natural Resources  
 Division Of Environmental Protection  
 Cyril E. King Airport  
 Terminal Building, Second Floor  
 St. Thomas, U.S.V.I. 00802  
 (340) 774-3320

If you have any questions about whether a new document or a new certification needs to be filed, contact the Terminal Facility Program at (340) 774-3320

#### **Attachment A: Applicant Compliance Information Form**

DEP reviews an applicant's record of compliance with the environmental laws of the Virgin Islands, and the federal government. DEP may consider the applicant's environmental compliance record, as well as the record of the applicant's principals and any parent companies or subsidiaries, when reviewing a permit application.

All permit applications for activities **not previously permitted by DEP** must include a completed *Applicant Compliance Information Form* as Attachment A.

The form includes a series of questions that the applicant must answer. If you answer yes to any of the questions on this form, you must complete the Table of Enforcement Actions as follows:

1. **Type of Enforcement Action:** Identify each enforcement action as one of the following:  
  
Administrative order (including consent orders) judgment, order, or decree  
Criminal conviction
2. **Date:** List the date each administrative order was issued or civil or criminal action was commenced.
3. **Jurisdiction:** For each listed enforcement action, indicate whether a local court, a federal court, local agency or a federal agency was involved.  
Identify such court or agency.
4. **Case/Docket Number:** List the case or docket number of each enforcement action listed.
5. **Description of Violation:** Provide a brief description of the violation involved in the listed enforcement action and any requirement or penalty imposed as a result of such action.

You do not need to submit copies of any documents associated with any enforcement actions with your application initially, although DEP retains the right to request these documents at a later date.

#### **Attachment B: Field Study**

Submit a copy of any field surveys to identify the presence of any endangered or threatened species or species of special concern.

#### **Attachment C: Spill Prevention Control and Countermeasure (SPCC) Plan**

The Spill Prevention Control and Countermeasure (SPCC) Plan must present, in detail, information required in 40 Code of Federal Regulations (CFR)

Part 112.1 through 112.7. A United States Licensed Professional Engineer must certify the SPCC Plan knowledgeable in terminal design and construction. All plans should be replaced or modified in accordance with 40 CFR Part 112.1 through 112.7 whenever there is a change in the facility design, construction, operation, or maintenance which materially affects the a facility potential for discharging oil into or upon navigable waters of the United States. Additionally, a United States Licensed Professional Engineer must recertify all SPCC plans every three years.

#### **Attachment D: Detailed Site Plan**

Each site plan should measure approximately 24" x 36", and show:

- current capacities of tanks and dikes;
- type of product stored and tank numbers
- locations of all tanks, piping, pumps and valves;
- loading racks; dock facilities; and
- size and location of holding tanks or separators.

All required information does not have to be placed on one site plan. The site plan must be stamped and signed by a USVI Licensed Professional Engineer or Land Surveyor. Whenever there are modifications to the terminal structures listed above, you must submit a revised site plan to the Terminal Facility Program.

#### **Attachment E: Facility Inspection**

Include a copy of the most recent external and internal inspections conducted by a qualified engineer for each tank shown on the detailed site plan, a schedule for future tank inspections and a copy of the most recent dock and bulkhead inspection conducted by a qualified marine engineer for each dock and bulkhead shown on the detailed site plan as Attachment E. Also include a testing schedule for tank overfills alarms.

### **Attachment H: Facility Response Plan**

All applicable facility response plan(s), required by the United States Coast Guard (33 CFR Part 154.1010 through 154.1075), the United States Environmental Protection Agency (40 CFR Part 112.20) and all other federal agencies under the Oil Pollution Act of 1990 (OPA 90) must accompany the application. For example, facilities that receive product transfers from vessels, or have capacity over 42,000 gallons may be required to have a USCG Response Plan and should check with the Coast Guard at (340) 776-3497.

### **Attachment G: Spill Containment Equipment List**

A listing of all spill containment equipment stored at the facility (size, type and amount of containment boom, boat, motors, trailer, etc.) must be included in your application as Attachment G. Also include in Attachment G a listing of the number of feet of boom committed to this purpose, the alternate method used or the booming contractor used.

### **Attachment H: Terminal Operations Manual**

The Terminal Operations Manual as required by the U.S. Coast Guard under 33 CFR Part 154.300 through 154.325 must be included in your application as Attachment H.

### **Attachment I: Terminal Facilities and vessels required to file bond**

The Terminal Facility and vessels required to file bond as stated in The Virgin Islands Code under section 714 of the Act must be included in your application as Attachment I. For example, a facility must show evidence of insurance, qualifications self-insurer, or other evidence of financial responsibility.