



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF:

DIODES US MANUFACTURING INCORPORATED) LICENSE TRANSFER
Acquisition of) Site Location of Development
WAFER FABRICATION FACILITY) Air Emission
South Portland, Cumberland County) Stormwater Management
L-007458-26-T-T)
A-370-71-AC-T) APPROVAL
MER05B127	

Pursuant to Maine’s *Site Location of Development* law (Site Law), 38 M.R.S. §§ 481–489-E; *Protection and Improvement of Air* law, 38 M.R.S. §§ 581–610-D; *Waste Water Discharge* law, rules promulgated pursuant to these laws and the Department’s *Rule Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2 (2018), the Maine Department of Environmental Protection (Department) has considered the application of DIODES US MANUFACTURING INCORPORATED with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

On June 1, 2022, Diodes US Manufacturing Incorporated (Diodes), submitted an application to the Department for the transfer of all active licenses, as defined in 06-096 C.M.R. ch. 2, § 2(1)(L), any modifications, condition compliance orders, all other approvals, and all applications pending, held, or submitted by Fairchild Semiconductor Corporation, and/or Fairchild Semiconductor Corporation d/b/a ON Semiconductor, herein after referred to collectively as Fairchild, relating to the property and facilities located at 333 Western Avenue in South Portland (the Property). The Department accepted Diodes’ license transfer application as complete for processing on June 1, 2022.

The Property was a portion of a larger project originally developed by National Semiconductor and expanded under various Department licenses. In Site Location license #L-7458-26-L-T, dated February 7, 1997, the Department approved the division of the project into two portions and the transfer of one of those portions to Fairchild.

A schedule of permits and applications that are the subject of the application, and this Department Order, is set forth in Appendix A. Portions of some of the Site Law orders may also apply to parts of the original development that were not conveyed to Fairchild and are not part of the present conveyance. The intent of this Order is to transfer all or portions of those active licenses, permits, certificates, registrations, applications, and decisions that apply to the Property conveyed to the Applicant, but not to transfer those portions of the licenses that are associated with other parts of the original development not conveyed to the applicant.

DIODES US MANUFACTURING INCORPORATED) LICENSE TRANSFER
Acquisition of)
WAFER FABRICATION FACILITY) APPROVAL

Any license, permit, certification, registration, application, or decision concerning the Property not specifically listed in this Order is incorporated herein.

2. TRANSFER REQUIREMENTS

The following information regarding Diodes US Manufacturing Incorporated was submitted in support of the transfer application:

- A. Full Name and Address.** The full name and address of the applicant is: Diodes US Manufacturing Incorporated, 4949 Hedgcoxe Road, Suite 200, Plano, Texas 75024.
- B. Title, Right, or Interest.** Diodes submitted a copy of a Quitclaim Deed with Covenant, from Fairchild, to Diodes, dated June 3, 2022 and recorded in the Cumberland County Registry of Deeds. Based on the foregoing, Diodes has provided sufficient evidence of title, right, or interest in the Property to allow the transfer to Diodes of the licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders, and pending applications concerning the Property, subject to the conditions set forth below.
- C. Financial Capacity and Intent.** Diodes submitted an estimate of the anticipated environmental compliance costs for the Property. Diodes also submitted financial statements indicating the availability of funds sufficient to fund any and all environmental operating costs relating to the Property. Based on the foregoing, Diodes has demonstrated sufficient financial capacity and intent to assure compliance with all Department licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto; condition compliance orders, pending applications, as well as any statutory and regulatory criteria applicable to the Property, subject to the conditions set forth below.
- D. Technical Capacity and Intent.** Diodes has identified key employees who will be responsible for environmental compliance at the Property. Resume information for these employees were included with the application. Based on the foregoing, Diodes has demonstrated that it has the technical capacity and intent to comply with all Department licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders, pending applications, and any statutory and regulatory criteria applicable to the Property, subject to the conditions set forth below.
- E. Air Emissions Certification.** Diodes certifies that there will be no increase in air emissions beyond that provided for in the existing licenses, either in quantity or type, without prior written approval from the Department.

BASED ON THE ABOVE FINDINGS OF FACT, the Department CONCLUDES that DIODES US MANUFACTURING INCORPORATED has demonstrated title, right, or interest to the Property as well as the technical and financial capacity and intent to comply with the conditions of all Department licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders and pending applications associated with the Property described in this Order's findings, including without limitation

DIODES US MANUFACTURING INCORPORATED) LICENSE TRANSFER
Acquisition of)
WAFER FABRICATION FACILITY) APPROVAL

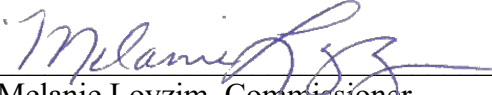
those licenses and applications listed in Appendix A, and to satisfy all applicable statutory and regulatory criteria, subject to the conditions set forth below.

THEREFORE, the Department APPROVES the application of DIODES US MANUFACTURING INCORPORATED, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards:

1. EFFECT ON EXISTING ORDERS. All other Findings of Fact, Conclusions, and Conditions associated with all approvals that are the subject of this Order remain as approved and are incorporated herein.
2. SEVERABILITY. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

DONE AND DATED AT AUGUSTA, MAINE THIS 18th DAY OF NOVEMBER, 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

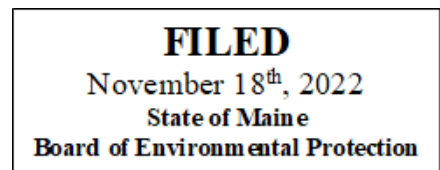
By: 
Melanie Loyzim, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: June 1, 2022

Date application accepted for processing: June 1, 2022

Date filed with the Board of Environmental Protection:
ATS # 89644



DIODES US MANUFACTURING INCORPORATED) LICENSE TRANSFER
 Acquisition of)
 WAFER FABRICATION FACILITY) APPROVAL

APPENDIX A: CURRENT LICENSES AND APPLICATIONS

AIR EMISSIONS LICENSES		
Number	Description	Approved
<i>A-370-71-Z-R/A</i>	Air Emission License Renewal with Amendment to replace Boilers 3 and 4 and to remove four process units	11/04/2014
<i>A-370-71-AA-A</i>	Air Emission License Amendment for like-kind replacement of the VOC abatement unit and installation of new wet scrubber, three small boilers, and one emergency generator	10/13/2020
<i>A-370-71-AB-M</i>	Air Emission License Revision to correct requirements of NSPS subpart Dc for Boilers 3 and 4	03/10/2022

AIR FACILITY TAX EXEMPTION ORDERS		
Number	Description	Approved
<i>A-370-75-C-N</i>	Tax Certificate regarding air pollution control equipment	3/31/1992
<i>A-370-75-D-N</i>	Tax Certificate regarding air pollution control equipment	04/30/1993
<i>A-370-75-E-N</i>	Tax Certificate regarding air pollution control equipment	04/30/1993
<i>A-370-75-G-N</i>	Tax Certificate regarding air pollution control equipment	09/08/1993

STORM WATER DISCHARGE	
Number	Description
MER05B127	Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity Note: The current MSGP remains in effect until the updated permit is finalized and issued. Note: A separate Long Creek GP is not required provided applicant continues to demonstrate participation and compliance with the Long Creek Watershed Management Plan as required in Special Condition C.3.b of the MSGP.

WATER FACILITY TAX EXEMPTION ORDERS		
Number	Description	Approved
<i>W-008029-63-A-N</i>	Tax Certificate regarding water pollution control equipment	12/14/1998

DIODES US MANUFACTURING INCORPORATED) LICENSE TRANSFER
 Acquisition of)
 WAFER FABRICATION FACILITY) APPROVAL

SITE LOCATION ORDERS

Note: Portions of some of these Site Law orders may also apply to parts of the original development that are not part of the present conveyance. The intent of this Order is to transfer all or portions of those active licenses, permits, certificates, registrations, applications, and decisions that apply to the Property conveyed to the Applicant, but not to transfer those portions of the licenses that are associated with other parts of the original development not conveyed to the applicant.

Number	Description	Approved
<i>L-7458-39-A-X</i>	Construction of 156,000 square foot expansion of existing building and 4.4 acre parking lot	07/22/1981
<i>L-7458-39-B-X</i>	Construction of nitrogen generating plant	08/25/1981
<i>L-7458-39-C-X</i>	Addition of 4,000 square feet to deionization water building	02/01/1983
<i>L-7458-39-E-X</i>	Construction of 21,800 chemical storage building	01/25/1984
<i>L-7458-26-A-M</i>	Installation of 3,000 gallon Argon tank (12x20 feet)	03/15/1984
<i>L-7458-26-B-M</i>	Installation of electrical switchyard	04/27/1984
<i>L-7458-26-E-M</i>	Installation of 2,400 square foot base to support transformers	02/02/1993
<i>L-7458-26-F-A</i>	Construction of 483,000 square foot fabrication building, transformer, and parking lot areas	10/06/1995
<i>L-7458-26-G-M</i>	Construction of temporary access and haul road and soil stockpile area	12/13/1995
<i>L-7458-26-H-M</i>	Increase of estimated wastewater flows from fabrication building	01/19/1996
<i>L-7458-26-I-M</i>	Changes of layout of fabrication building	08/05/1996
<i>L-7458-26-J-M</i>	Miscellaneous changes in service yard	09/05/1996
<i>L-7458-26-K-M</i>	Construction of 42,500 square foot parking lot	01/02/1997
<i>L-7458-26-L-T</i>	Division of site between National Semiconductor Corporation and Fairchild Semiconductor Corporation	02/07/1997
<i>L-7458-26-M-M</i>	Miscellaneous changes to building project	02/07/1997
<i>L-7458-26-N-M</i>	Removal of 3.5 acre portion of parking lot to create recreational ball field	05/13/2004
<i>L-7458-26-O-T</i>	Transfer a portion of the project to Texas Instruments	02/24/2012
<i>L-7458-26-P-B</i>	Retrofit existing stormwater infrastructure	07/01/2013
<i>L-7458-26-S-B</i>	Construct 14,800 SF Chemical Building	06/14/2019