West Virginia Department of Environmental Protection
Division of Air Quality

Title V Operating Permit Revision

Earl Ray Tomblin
Governor

Randy C. Huffman
Cabinet Secretary

For Administrative Amendment Permitting Action Under 45CSR30 and Title V of the Clean Air Act

Permit Action Number: AA01 **SIC:** 5171 and 4491
Name of Permittee: MPLX Terminals LLC
Facility Name/Location: Kenova-TriState Terminal
County: Wayne
Facility Address: 539 South Main Street, Findlay, Ohio 45840

Description of Permit Revision: This administrative amendment is for the transfer of this permit to a new owner. The previous owner was Marathon Petroleum Company LP, and the new owner is MPLX Terminals LLC.

Title V Permit Information:
Permit Number: R30-09900022-2015
Issued Date: March 24, 2015
Effective Date: April 7, 2015
Expiration Date: March 24, 2020

Directions To Facility: From Charleston, travel I-64 to the Ceredo/Kenova exit. Take Highway 75 North to Route 60 West. Turn right onto 21st Street, then left on Beech Street. Storage tank farm on left, second black top road to the right and through flood wall is the office and barge loading.

THIS PERMIT REVISION IS ISSUED IN ACCORDANCE WITH THE WEST VIRGINIA AIR POLLUTION CONTROL ACT (W.VA. CODE §§ 22-5-1 ET SEQ.) AND 45CSR30 - "REQUIREMENTS FOR OPERATING PERMITS." THE PERMITTEE IDENTIFIED AT THE FACILITY ABOVE IS AUTHORIZED TO OPERATE THE STATIONARY SOURCES OF AIR POLLUTANTS IDENTIFIED HEREIN IN ACCORDANCE WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

William F. Durham
Director

March 23, 2016
Date Issued

Permit Number: **R30-09900022-2015**
Permittee: **~~Marathon Petroleum Company LP~~ MPLX Terminals LLC**
Facility Name: **Kenova-TriState Terminal**
Permittee Mailing Address: **539 South Main Street, Findlay, Ohio 45840**

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Facility Location:	Kenova, Wayne County, West Virginia
Telephone Number:	(606) 921-3137
Type of Business Entity:	Limited Partnership
Facility Description:	Bulk gasoline terminal: receives, stores, and transfers petroleum products
SIC Codes:	5171; 4491
UTM Coordinates:	361.323 Easting • 4251.68 Northing • Zone 17

Permit Writer: Rex Compston, P.E.

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

Table of Contents

1.0 Emission Units and Active R13, R14, and R19 Permits

1.1. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed/ Modified	Design Capacity	Control Device/Seals
Tri-State Tank Farm					
Tank 253	Tank 253	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1948/1992	2,444,040 gallons	Primary Shoe w/ Secondary Wiper
Tank 255	Tank 255	Fixed Cone Roof Distillate Fuel Storage Tank	1948	5,527,200 gallons	None
Tank 256	Tank 256	External Floating Roof Wastewater (with offspec petroleum liquid layer) Storage Tank	1949	2,280,600 gallons	Primary Shoe w/ Secondary Wiper
Tank 264	Tank 264	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1990	3,838,800 gallons	Mechanical Shoe w/ Secondary Wiper
Tank 265	Tank 265	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1991	1,377,600 gallons	Primary Foam Log w/ Secondary Wiper
Tank 266	Tank 266	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1993	1,810,200 gallons	Mechanical Shoe w/ Secondary Wiper
Tank 267	Tank 267	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1993	1,797,600 gallons	Primary Shoe w/ Secondary Wiper
Tank 268	Tank 268	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1993	1,793,400 gallons	Primary Shoe w/ Secondary Wiper
Kenova Tank Farm					
Tank 257	Tank 257	Internal Floating Roof Gasoline Storage Tank	1951/1995	4,653,600 gallons	Mechanical Shoe Primary Seal
Tank 258	Tank 258	Internal Floating Roof Gasoline Storage Tank	1951/1997	4,397,400 gallons	Mechanical Shoe Primary Seal
Tank 259	Tank 259	Internal Floating Roof Gasoline Storage Tank	1951/1994/ 2001	4,653,600 gallons	Mechanical Shoe Primary Seal
Tank 260	Tank 260	Internal Floating Roof Gasoline Storage Tank	1968/1993/ 2002	4,985,400 gallons	Mechanical Shoe Primary Seal
Tank 261	Tank 261	Fixed Cone Roof #2 Fuel Oil Storage Tank	1968/1992	6,631,800 gallons	None
Tank 262	Tank 262	Fixed Cone Roof #2 Fuel Oil Storage Tank	1971	6,631,800 gallons	None
Tank 270	Tank 270	Internal Floating Roof Gasoline/#2 Fuel Oil/Kerosene Storage Tank	2001	2,377,200 gallons	Mechanical Shoe Primary Seal
Tank 271	Tank 271	Internal Floating Roof Gasoline/#2 Fuel Oil/Kerosene Storage Tank	2001	2,377,200 gallons	Mechanical Shoe Primary Seal
Tank 272	Tank 272	Internal Floating Roof Gasoline/#2 Fuel Oil/Kerosene Storage Tank	2001	2,377,200 gallons	Mechanical Shoe Primary Seal
Tank 273	Tank 273	Cone Roof Storage Tank (Fixed Roof) - Biodiesel / #2 Diesel	2012	957,600 gallons	None
Barge Loading Stations 1 through 8	Barge Loading Stations 1 through 8	Marine vessel loading operations (gasoline, kerosene, biodiesel, and #2 fuel oil)	N/A	**Maximum Simultaneous Loading** 19,600 bbl/hr	VRA (when loading gasoline)

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed/ Modified	Design Capacity	Control Device/Seals
Hot Oil Heater #1	Hot Oil Heater #1	Hot Oil Heater for Tank 273	2012	2.499 MMBTU/hr	N/A
Engines					
Engine #1	Engine #1	Emergency Fire Water Pump Engine	1986	400 hp	N/A
Engine #2	Engine #2	Office Emergency Backup Generator	2012	14 hp	N/A
Engine #3	Engine #3	Tank Farm Emergency Backup Generator	2012	14 hp	N/A
Miscellaneous Units					
LDAR	LDAR	Fugitive Equipment Leaks	N/A	N/A	N/A
Oily Sewer System	Oily Sewer System	Oily Water Sewer System	N/A	N/A	N/A
Cooling Tower #1	Cooling Tower	Cooling Tower	N/A	400 gpm	N/A
Roadways	Roadways	Paved facility Roadways	N/A	N/A	N/A

1.2. Active R13, R14, and R19 Permits

The underlying authority for any conditions from R13, R14, and/or R19 permits contained in this operating permit is cited using the original permit number (e.g. R13-1234). The current applicable version of such permit(s) is listed below.

Permit Number	Date of Issuance
R13-1352A	March 26, 2007
R13-2277C	June 7, 2011

2.0 General Conditions

2.1. Definitions

2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.

2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.

2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

2.2. Acronyms

CAAA	Clean Air Act Amendments	**NSPS**	New Source Performance Standards
CBI	Confidential Business Information	**PM**	Particulate Matter
CEM	Continuous Emission Monitor	**PM_{10}**	Particulate Matter less than 10μm in diameter
CES	Certified Emission Statement	**pph**	Pounds per Hour
C.F.R. *or* CFR	Code of Federal Regulations	**ppm**	Parts per Million
CO	Carbon Monoxide	**PSD**	Prevention of Significant Deterioration
C.S.R. *or* CSR	Codes of State Rules	**psi**	Pounds per Square Inch
DAQ	Division of Air Quality	**SIC**	Standard Industrial Classification
DEP	Department of Environmental Protection	**SIP**	State Implementation Plan
FOIA	Freedom of Information Act	**SO_2**	Sulfur Dioxide
HAP	Hazardous Air Pollutant	**TAP**	Toxic Air Pollutant
HON	Hazardous Organic NESHAP	**TPY**	Tons per Year
HP	Horsepower	**TRS**	Total Reduced Sulfur
lbs/hr *or* lb/hr	Pounds per Hour	**TSP**	Total Suspended Particulate
LDAR	Leak Detection and Repair	**USEPA**	United States Environmental Protection Agency
m	Thousand	**UTM**	Universal Transverse Mercator
MACT	Maximum Achievable Control Technology	**VEE**	Visual Emissions Evaluation
mm	Million	**VOC**	Volatile Organic Compounds
mmBtu/hr	Million British Thermal Units per Hour		
$mmft^3$/hr *or* mmcf/hr	Million Cubic Feet Burned per Hour		
NA *or* N/A	Not Applicable		
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
NO_x	Nitrogen Oxides		

2.3. Permit Expiration and Renewal

2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]

2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]

2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]

2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

2.5.1. This permit shall be reopened and revised under any of the following circumstances:

a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.

b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.

c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.
[45CSR§30-6.4.]

2.7. Minor Permit Modifications

2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.
[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.
[45CSR§30-6.5.b.]

2.9. Emissions Trading

2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.
[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:

a. The change must meet all applicable requirements and may not violate any existing permit term or condition.

b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

c. The change shall not qualify for the permit shield.

d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.

e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9.]

2.11. Operational Flexibility

2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.
[45CSR§30-5.8]

2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.
[45CSR§30-5.8.a.]

2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or

b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.

a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.

b. The permit shield shall extend to all terms and conditions under each such operating scenario; and

c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:

a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

2.16.1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.
[45CSR§30-5.1.f.2.]

2.17. Emergency

2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
[45CSR§30-5.7.a.]

2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.
[45CSR§30-5.7.b.]

2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
[45CSR§30-5.7.d.]

2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.
[45CSR§30-5.2.a.]

2.18.2. Those provisions specifically designated in the permit as “State-enforceable only” shall become “Federally-enforceable” requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.
[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.
[45CSR§30-4.2.]

2.21. Permit Shield

2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.
[45CSR§30-5.6.a.]

2.21.2. Nothing in this permit shall alter or affect the following:

a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or

b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.

c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.
[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.
[45CSR§30-5.1.e.]

2.24. Property Rights

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.
[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.

b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.
[45CSR§30-5.1.a.2.]

3.0 Facility-Wide Requirements

3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. **[45CSR§6-3.1.]**

3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible. **[45CSR§6-3.2.]**

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them. **[40 C.F.R. §61.145(b) and 45CSR34]**

3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. **[45CSR§4-3.1 State-Enforceable only.]**

3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. **[45CSR§11-5.2]**

3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. **[W.Va. Code § 22-5-4(a)(14)]**

3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.

b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

[40 C.F.R. 82, Subpart F]

3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.
[40 C.F.R. 68]

3.1.9. **Gasoline Distribution Facilities MACT.** In addition to the reporting requirements specified in 40 C.F.R. 63, Subpart R, Table 1 "General Provisions Applicability to Subpart R," each owner or operator shall report to the Administrator a description of the types, identification numbers, and locations of all equipment in gasoline service within the time frames specified in 40 C.F.R. 63.428(f). For facilities electing to implement an instrument program under 40 C.F.R. 63.424(f), the report shall contain a full description of the program.
[40 C.F.R. § 63.428(f); 45CSR34]

3.1.10. MACT Subpart R. Owners and operators shall not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:

a. Minimize gasoline spills;

b. Clean up spills as expeditiously as practicable;

c. Cover all open gasoline containers with a gasketed seal when not in use; and

d. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

[40 CFR § 63.424(g) and 45CSR34]

3.2. Monitoring Requirements

3.2.1. The permittee shall perform a monthly leak inspection of all equipment in gasoline service. For this inspection, detection methods incorporating sight, sound, and smell are acceptable. Each piece of equipment shall be inspected during the loading of a gasoline cargo tank.
[40 CFR § 63.424(a) and 45CSR34]

3.3. Testing Requirements

3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment,

such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.

b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.

c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:

    1. The permit or rule evaluated, with the citation number and language.

    2. The result of the test for each permit or rule condition.

    3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 22-5-4(a)(14-15) and 45CSR13]

3.4. Recordkeeping Requirements

3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:

a. The date, place as defined in this permit and time of sampling or measurements;

b. The date(s) analyses were performed;

c. The company or entity that performed the analyses;

d. The analytical techniques or methods used;

e. The results of the analyses; and

f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A.]

3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.
[45CSR§30-5.1.c.2.B.]

3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§30-5.1.c. State-Enforceable only.]

3.4.4. A log book shall be used and shall be signed by the owner or operator at the completion of each inspection required by Condition 3.2.1. of this permit. A section of the log shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility.
[40 CFR § 63.424(b) and 45CSR34]

3.4.5. Each detection of a liquid or vapor leak shall be recorded in the log book required by Condition 3.4.4. When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of the leaking equipment shall be completed within 15 calendar days after detection of each leak, unless a demonstration is made to the Director and USEPA that repair within 15 days is not feasible. In this case, the owner or operator shall provide the reason(s) a delay is needed and the date by which each repair is expected to be completed.
[40 CFR §§ 63.424(c) and (d) and 45CSR34]

3.4.6. The permittee shall record the following information in the log book required in Section 3.4.4.of this permit for each leak that is detected:

a. The equipment type and identification number.

b. The nature of the leak (i.e., vapor or liquid) and the method of detection (i.e., sight, sound, or smell).

c. The date the leak was detected and the date of each attempt to repair the leak.

d. Repair methods applied in each attempt to repair the leak.

e. "Repair delayed" and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak.

f. The expected date of successful repair of the leak if the leak is not repaired within 15 days.

g. The date of successful repair of the leak.

[40 CFR § 63.428(e) and 45CSR34]

3.5. Reporting Requirements

3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
[45CSR§§30-4.4. *and* 5.1.c.3.D.]

3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
[45CSR§30-5.1.c.3.E.]

3.5.3. Except for the electronic submittal of the annual certification to the USEPA as required in 3.5.5 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, mailed first class or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

Phone: 304/926-0475
FAX: 304/926-0478

If to the US EPA:

Associate Director
Office of Air Enforcement and Compliance Assistance (3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]

3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The annual certification to the USEPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address: R3_APD_Permits@epa.gov. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]

3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]

3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.

3.5.8. **Deviations.**

a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:

1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.

2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.

3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.

4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary. **[45CSR§30-5.1.c.3.B.]**

3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement. **[45CSR§30-4.3.h.1.B.]**

3.5.10. The permittee shall report to the Director and USEPA a description of the types, identification numbers and locations of all equipment in gasoline service with the notification of compliance status required under 40 CFR § 63.9(h) . **[40 CFR § 63.428(f)(1) and 45CSR34]**

3.5.11. The permittee shall submit in a semi-annual report to the Director and USEPA, the number of equipment leaks not repaired within 5 days of detection. **[40 CFR § 63.428(g)(3) and 45CSR34]**

3.5.12. For each occurrence of an equipment leak for which no repair attempt was made within 5 days or for which repair was not completed within 15 days after detection, each owner or operator shall include the following information in the excess emissions report required by 40 CFR § 63.10(e)(3).

a. The date on which the leak was detected.

b. The date of each attempt to repair the leak.

c. The reasons for the delay of repair.

d. The date of successful repair.

[40 CFR § 63.428(h)(4) and 45CSR34]

3.6. Compliance Plan

3.6.1. None

3.7. Permit Shield

3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.

3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

a. 45 CSR 21, Section 22: Not applicable because Kenova and Tri-State Terminals do not have gasoline tank truck loading facilities.

b. 45SCR21-27 & 28 - Not applicable to Tanks 202*, 255, 261, 262, and 273 per 45CSR§21-27.1.b.3-4 and 45CSR§21-28.1.b.3.

c. 40 CFR 60, Subpart XX: Not subject because this facility does not have gasoline tank truck loading facilities.

d. 40 CFR 60, Subpart Kb: Not applicable to Tanks 202*, 255, 261, 262, and 273 based on their date of construction, reconstruction, or modification per 40 C.F.R. § 60.110b(b).

e. 40 CFR 61, Subpart BB: Not subject because the loading of gasoline and petroleum distillates are specifically exempted per 40 C.F.R. § 61.300(a).

f. 40 CFR 63, Subpart R - Not applicable to Tanks 202*, 255, 261, 262, and 273, since these tanks do not store gasoline.

g. 40 CFR 63, Subpart EEEE: Not applicable per 40 C.F.R. § 63.2406. The definition of organic liquid excludes gasoline, kerosene, and diesel.

h. 40 CFR 63, Subpart BBBBBB: The Kenova-TriState Terminal is subject to 40 CFR 63, Subpart R and is not a pipeline pumping station or bulk gasoline plant. 40 CFR 63, Subpart BBBBBB does not apply to the Kenova-TriState Terminal.

i. 40 CFR 63, Subpart DDDDD: Not applicable to hot oil heater for Tank 273, since the Kenova/Tri-State Terminals were not a major source of HAP when the heater was installed.

j. 40 CFR 63, Subpart JJJJJJ – Not applicable to hot oil heater for Tank 273, since process heater is exempt from the definition of boiler in 40 C.F.R. § 63.11237.

k. 112(r) RMP – Regulated substances in gasoline, when in distribution or related storage for use as fuel for internal combustion engines, are exempt from the threshold determination per 40 CFR 68.115(b)(2)(ii).

*Note: Tank 202 is considered an insignificant emission source. It was included in this section upon request of the permittee.

4.0 Tri-State Storage Tanks [emission point ID(s): 253, 256, 264, 265, 266, 267, 268]

4.1. Limitations and Standards

4.1.1. No owner or operator of a petroleum storage vessel with an external floating roof shall store petroleum liquid in that tank unless:

a. The tank has been fitted with a continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or a closure or other device that controls VOC emissions with an effectiveness equal to or greater than a seal and is approved by the Director and the U.S. EPA; and

b. All seal closure devices must meet the following requirements: there are no visible holes, tears, or other openings in the seal(s) or seal fabric; the seal(s) are intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; For vapor-mounted primary seals, the accumulated area of gaps exceeding 0.32 centimeters (cm) (0.125 inches [in]) in width between the secondary seal and the tank wall shall not exceed 21.2 square centimeters per meter (cm^2/m) (1.0 square inches per foot [in^2/ft]) of tank diameter, as determined by the method in section 4.2.2. of this permit.; and

c. All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are: Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; Equipped with projections into the tank that remain below the liquid surface at all times; and

d. Automatic bleeder vents are closed at all times except when the roof is being floated off or being landed on the roof leg supports;

e. Rim vents are set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting; and

f. Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening.

[45CSR§21-27.3 *(Tank 256)*]

4.1.2. No owner or operator of a petroleum liquid storage tank with a fixed roof shall store petroleum liquid in that tank unless:

a. The tank is equipped with an internal floating roof equipped with a closure seal or seals to close the space between the roof edge and tank wall; or an equally effective alternative control, approved by the Director and the U.S. EPA.

b. The tank is maintained such that there are no visible holes, tears, or other openings in the seal or any seal fabric or materials; and

c. All openings, except stub drains, are equipped with covers, lids, or seals such that the cover, lid, or seal is in the closed position at all times except when in actual use; automatic bleeder vents are closed at all times except when the roof is being floated off or being landed on the roof leg supports; and rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

[45CSR§21-28.3 & 45CSR13– Permit No. R13-1352, Condition 4.1.4. *(Tanks 253, 264, 265, 266, 267, and 268)*]

4.1.3. Emissions to the atmosphere of volatile organic compounds (VOC) from operations associated with the following tanks shall not exceed the following:

Tank	lb_m/hr	lb_m/yr
265	0.64	5614
266	0.63	5457
267	0.63	5457
268	0.63	5457

[45CSR13 – Permit No. R13-1352, Condition 4.1.5. *(Tanks 265, 266, 267, & 268)*]

4.1.4. Annual throughput of gasoline through each of the four (4) permitted tanks (265, 266, 267, 268) shall not exceed 1134 x 10^6 gallons per year. For the purposes of this permit, a calendar year is defined as any one of a series of twelve consecutive months.
[45CSR13 – Permit No. R13-1352, Condition 4.1.6. *(Tanks 265, 266, 267, & 268)*]

4.1.5. The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following:

a. A fixed roof in combination with an internal floating roof meeting the following specifications:

1. The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

2. Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:

i. A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.

ii. Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

iii. A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

3. Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

4. Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

5. Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

6. Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

7. Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.

8. Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.

9. Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

b. An external floating roof, defined as a pontoon-type or double-deck type cover that rests on the liquid surface in a vessel with no fixed roof, which meets the following specifications:

1. Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. The closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal. The primary seal shall be either a mechanical shoe seal or a liquid-mounted seal. Except as provided in Section 4.2.4.b.4. of this permit, the seal shall completely cover the annular space between the edge of the floating roof and tank wall. The secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion except as allowed in Section 4.2.4.b.4. of this permit.

2. Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal, or lid that is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all

times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

3. The roof shall be floating on the liquid at all times (i.e., off the roof leg supports) except during initial fill until the roof is lifted off leg supports and when the tank is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible.

[45CSR13 – Permit No. R13-1352, Condition 4.1.1.; 45CSR16; 40 C.F.R. §§ 60.112b(a)(1) and (2). *(Tanks 253, 264, 265, 266, 267, & 268)*]

4.1.6. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR§13-5.11.; 45CSR13 – Permit No. R13-1352, Condition 4.1.8. *(Tanks 265, 266, 267, 268)*]

4.1.7. a. Each owner or operator of a bulk gasoline terminal shall equip each gasoline storage vessel with a design capacity greater than or equal to 75 m^3 according to the requirements in Section 4.1.5. of this permit, except for the requirements in Sections 4.1.5.a.4. through 9. and Section 4.1.5.a.2.ii. of this permit.

b. Each owner or operator shall equip each external floating roof gasoline storage vessel with a design capacity greater than or equal to 75 m^3 according to the requirements in Section 4.1.5.b.2. of this permit if such storage vessel does not currently meet the requirements in paragraph a. of this section.

[45CSR13 – Permit No. R13-1352, Condition 4.1.3.; 45CSR34; 40 C.F.R. §§ 63.423(a) and (b) *(Tanks 253, 264, 265, 266, 267, & 268)*]

4.2. Monitoring Requirements

4.2.1. The owner or operator of a petroleum liquid storage tank with an external floating roof shall perform routine inspections semiannually in order to ensure compliance with Section 4.1.1. of this permit (the inspections shall include a visual inspection of the secondary seal gap); and measure the secondary seal gap annually in accordance with Section 4.2.2. when the floating roof is equipped with a vapor molded primary seal.
[45CSR§21-27.4 *(Tank 256)*]

4.2.2. Compliance with Section 4.2.1. shall be determined by physically measuring the length and width of all gaps around the entire circumference of the secondary seal in each place where a 0.32 cm (0.125 inch) uniform diameter probe passes freely (without forcing or binding against the seal) between the seal and tank wall; and summing the area of the individual gaps.
[45CSR§21-27.6 *(Tank 256)*]

4.2.3. The owner or operator of a petroleum liquid storage tank with a fixed roof shall perform routine, semi-annual, visual inspections of the internal floating roof and its closure seal or seals through roof hatches; and perform a complete inspection of cover and seal whenever the tank is emptied for non-operational reasons or at least every 5 years, whichever is more frequent.
[45CSR13–Permit No. R13-1352, Condition 4.2.1.; 45CSR§21-28.4. *(Tanks 253, 264, 265, 266, 267, & 268)*]

4.2.4. The owner or operator of each storage vessel as specified in Section 4.1.5. of this permit shall meet the requirements of this section. The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of Section 4.1.5. of this permit.

a. 1. Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.

2. For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in Section 4.5.4.a.3. Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

3. For vessels equipped with a double-seal system as specified in Section 4.1.5.a.2.ii. of this permit:
i. Visually inspect the vessel as specified in paragraph 4 of this section at least every 5 years; or
ii. Visually inspect the vessel as specified in paragraph 2 of this section.

4. Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL.

b. After installing the control equipment required to meet Section 4.1.5.b. (external floating roof), the owner or operator shall:

1. Determine the gap areas and maximum gap widths, between the primary seal and the wall of the storage vessel and between the secondary seal and the wall of the storage vessel according to the following frequency.

i. Measurements of gaps between the tank wall and the primary seal (seal gaps) shall be

performed during the hydrostatic testing of the vessel or within 60 days of the initial fill with VOL and at least once every 5 years thereafter.

ii. Measurements of gaps between the tank wall and the secondary seal shall be performed within 60 days of the initial fill with VOL and at least once per year thereafter.

iii. If any source ceases to store VOL for a period of 1 year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for the purposes of paragraphs b.1.i. and b.1.ii. above.

2. Determine gap widths and areas in the primary and secondary seals individually by the following procedures:

i. Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.

ii. Measure seal gaps around the entire circumference of the tank in each place where a 0.32-cm diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the wall of the storage vessel and measure the circumferential distance of each such location.

iii. The total surface area of each gap described in paragraph b.2.ii. of this section shall be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

3. Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the respective standards in paragraph b.4. of this section.

4. Make necessary repairs or empty the storage vessel within 45 days of identification in any inspection for seals not meeting the requirements listed in b.4.i. and ii. of this section:

i. The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal shall not exceed 212 cm^2 per meter of tank diameter, and the width of any portion of any gap shall not exceed 3.81 cm. One end of the mechanical shoe is to extend into the stored liquid, and the other end is to extend a minimum vertical distance of 61 cm above the stored liquid surface. There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

ii. The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in paragraph b.2.iii. of this section. The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 21.2 cm^2 per meter of tank diameter, and the width of any portion of any gap shall not exceed 1.27 cm. There are to be no holes, tears, or other openings in the secondary seal or seal fabric.

iii. If a failure that is detected during inspections required in Section 4.2.4.b.1 of this permit cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in Section 4.5.4.b.4. Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

5. Notify the Administrator 30 days in advance of any gap measurements required by paragraph b.1. of this section to afford the Administrator the opportunity to have an observer present.

6. Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.

   i. If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before filling or refilling the storage vessel with VOL.

   ii. For all the inspections required by paragraph b.6. of this section, the owner or operator shall notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel to afford the Administrator the opportunity to inspect the storage vessel prior to refilling. If the inspection required by paragraph b.6. of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

[45CSR13 – Permit No. R13-1352, Condition 4.2.2.; 45CSR16; 45CSR34; 40 C.F.R. § 60.113b; and 40 C.F.R. §§ 63.425(d) and 63.427(c). *(Tanks 253, 264, 265, 266, 267, & 268)*]

4.2.5. In addition to the performance testing and monitoring requirements specified in 40 C.F.R. 63, Subpart R, Table 1 "General Provisions Applicability to Subpart R," each owner or operator shall comply with the recordkeeping requirements in Section 4.4.4. of this permit.
[45CSR13 – Permit No. R13-1352, Condition 4.2.3.; 45CSR34; 40 C.F.R. § 63.427(c). *(Tanks 253, 264, 265, 266, 267, & 268)*]

4.3. Testing Requirements

See Facility-Wide Testing Requirements - Section 3.3.

4.4. Recordkeeping Requirements

4.4.1. The owner or operator of any petroleum liquid storage tank with a fixed roof or external floating roof shall maintain the following records in a readily accessible location for at least five (5) years and shall make copies of the records available to the Director upon verbal or written request:

1. Records of the types of petroleum liquids stored;

2. Records of the maximum true vapor pressure of the liquid as stored; and

3. Records of the results of the inspections performed in accordance with sections 4.2.1. and 4.2.3. of this permit.

[45CSR13 – Permit No. R13-1352, Condition 4.4.4.; 45CSR§§21-27.5 and 28.5 *(Tanks 253, 256, 264, 265, 266, 267, & 268)*]

4.4.2. The permittee shall record the throughput of gasoline through associated tanks on a monthly and yearly basis. These records shall be maintained on site for a period of no less than five (5) years for inspection by the Director or a duly authorized representative of the Director.
[45CSR13 – Permit No. R13-1352, Condition 4.4.5.; 45CSR§30-5.1.c. *(Tanks 265, 266, 267, & 268)*]

4.4.3. Annual emissions shall be calculated by the fifteenth day of the subsequent month utilizing the equations listed in Section 7.1.3.2 of AP-42. A twelve month running total of emissions will be maintained to verify compliance with the long term emission limitations. Each month a new twelve month total shall be calculated using the previous twelve months data. Compliance with the hourly emission limits shall be demonstrated by dividing the monthly calculated annual emissions by the number of hours in a year to obtain an hourly average. Records indicating the hourly and twelve month rolling total emissions shall be maintained for a period of no less than five (5) years.
[45CSR13 – Permit No. R13-1352, Condition 4.4.6.; 45CSR§30-5.1.c. *(Tanks 265, 266, 267, & 268)*]

4.4.4. The permittee shall keep readily accessible records showing the dimensions of the storage vessel and an analysis showing the capacity of the storage vessel for the life of the source. In addition, the permittee shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period. These records shall be maintained for a period of no less than five (5) years.
[45CSR13 – Permit No. R13-1352, Condition 4.4.7.; 45CSR16; 45CSR34; 40 C.F.R. § 60.116b(b) and 40 C.F.R. § 60.116b(c) and 40 C.F.R. § 63.427(c). *(Tanks 253, 264, 265, 266, 267, & 268)*]

4.4.5. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
[45CSR13 – Permit No. R13-1352, Condition 4.4.2. *(Tanks 265, 266, 267, 268)*]

4.4.6. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

[45CSR13 – Permit No. R13-1352, Condition 4.4.3. *(Tanks 265, 266, 267, 268)*]

4.5. Reporting Requirements

4.5.1. The owner or operator of any facility containing sources subject to 45CSR§§21-27 and 28 shall comply with the requirements in section 4.5.2.
[45CSR13 – Permit No. R13-1352, Condition 4.5.1.; 45CSR§§21-27.7 and 28.6 *(Tanks 253, 256, 264, 265, 266, 267, & 268)*]

4.5.2. The owner or operator shall, for each occurrence of excess emissions expected to last more than 7 days, within 1 business day of becoming aware of such occurrence, supply the Director by letter with the following information:

a. The name and location of the facility;

b. The subject sources that caused the excess emissions;

c. The time and date of first observation of the excess emissions; and

d. The cause and expected duration of the excess emissions.

e. For sources subject to numerical emission limitations, the estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions; and

f. The proposed corrective actions and schedule to correct the conditions causing the excess emissions.

[45CSR13 – Permit No. R13-1352, Condition 4.5.3.; 45CSR§21-5.2. *(Tanks 253, 256, 264, 265, 266, 267, & 268)*]

4.5.3. The owner or operator shall notify the Director and USEPA in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by Section 4.2.4.a.1. and 4.2.4.a.4. of this permit to afford the Director and USEPA the opportunity to have an observer present. If the inspection required by Section 4.2.4.a.4. of this permit is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Director and USEPA at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Director and USEPA at least 7 days prior to the refilling.
[45CSR13 – Permit No. R13-1352, Condition 4.5.4.; 45CSR16; 45CSR34; 40 C.F.R. § 60.113b(a)(5) and 40 C.F.R. § 63.425(d) *(Tanks 253, 264, 265, 266, 267, & 268)*]

4.5.4. The owner or operator of each storage vessel as specified in Section 4.1.5. of this permit shall keep records and furnish reports as required by this section depending upon the control equipment installed to meet the requirements of 40 C.F.R. 60, subpart Kb. The owner or operator shall keep copies of all reports and records required by this section for at least 5 years.

a. After installing control equipment in accordance with Section 4.1.5.a. of this permit (fixed roof and internal floating roof), the owner or operator shall meet the following requirements.

1. Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of Sections 4.1.5.a. and 4.2.4.a.1. of this permit. This report shall be an attachment to the notification required by 40 C.F.R. §60.7(a)(3).

2. Keep a record of each inspection performed as required by Section 4.2.4.a.1., 4.2.4.a.2., 4.2.4.a.3., and 4.2.4.a.4. of this permit. Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

3. If any of the conditions described in Section 4.2.4.a.2. of this permit are detected during the annual required visual inspection, a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

4. After each inspection required by Section 4.2.4.a.3. of this permit that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in Section 4.2.4.a.3.ii. of this permit, a report shall be furnished to the Administrator within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of Sections 4.1.5.a. or 4.2.4.a.3. of this permit and list each repair made.

b. After installing control equipment in accordance with Section 4.1.5.b. (external floating roof), the owner or operator shall meet the following requirements.

1. Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of Sections 4.1.5.b. and 4.2.4.b.2., 3., and 4. of this permit. This report shall be an attachment to the notification required by 40 C.F.R. §60.7(a)(3).

2. Within 60 days of performing the seal gap measurements required by Section 4.2.4.b.1. of this permit, furnish the Administrator with a report that contains the date of measurement, the raw data obtained in the measurement, and the calculations described in Section 4.2.4.b.2. and 3. of this permit.

3. Keep a record of each gap measurement performed as required by Section 4.2.4.b. of this permit. Each record shall identify the storage vessel in which the measurement was performed and shall contain the date of measurement, the raw data obtained in the measurement, and the calculations described in Section 4.2.4.b.2. and 3. of this permit.

4. After each seal gap measurement that detects gaps exceeding the limitations specified by Section 4.2.4.b.4. of this permit, submit a report to the Administrator within 30 days of the inspection. The report will identify the vessel and contain the information specified in paragraph b.2. of this section and the date the vessel was emptied or the repairs made and date of repair.

[45CSR13 – Permit No. R13-1352, Condition 4.5.5.; 45CSR16; 45CSR34, 40 C.F.R. § 60.115b and 40 C.F.R. § 63.428(d). *(Tanks 253, 264, 265, 266, 267, & 268)*]

4.5.5. The owner or operator of each storage vessel meeting the specifications of Section 4.1.5. of this permit shall notify the Administrator within thirty (30) days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor pressure values for each volume range.
[45CSR13 – Permit No. R13-1352, Condition 4.5.6.; 45CSR16; 45CSR34; 40 C.F.R. § 60.116b(d) and 40 C.F.R. § 63.427(c). *(Tanks 253, 264, 265, 266, 267, & 268)*]

5.0 Kenova Storage Tanks [emission point ID(s): Tanks 257, 258, 259, 260, 261, 262, 270, 271, 272, 273]

5.1. Limitations and Standards

5.1.1. No owner or operator of a petroleum liquid storage tank with a fixed roof shall store petroleum liquid in that tank unless:

a. The tank is equipped with an internal floating roof equipped with a closure seal or seals to close the space between the roof edge and tank wall; or an equally effective control, approved by the Director and USEPA.

b. The tank is maintained such that there are no visible holes, tears, or other openings in the seal or any seal fabric or materials; and

c. All openings, except stub drains, are equipped with covers, lids, or seals such that the cover, lid, or seal is in the closed position at all times except when in actual use; automatic bleeder vents are closed at all times except when the roof is being floated off or being landed on the roof leg supports; and rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

[45CSR§21-28.3. (*Tanks 257, 258, 259, 260, 270, 271, and 272*); and 45CSR13 - Permit R13-2277, Condition 4.1.6. (*Tanks 270, 271, and 272*)]

5.1.2. The permittee shall maintain the maximum annual emissions and maximum annual throughput, in accordance with the following limits:

a. Maximum annual emissions of hazardous air pollutants (HAPs) and non-HAP volatile organic compounds (VOCs) for each tank shall not exceed the following:

Pollutant	Tank 270		Tank 271		Tank 272		Total	
	lb/year	TPY	lb/year	TPY	lb/year	TPY	lb/year	TPY
Benzene	94.75	0.05	94.75	0.05	94.75	0.05	284.25	0.14
Ethyl Benzene	10.53	0.01	10.53	0.01	10.53	0.01	31.58	0.02
Hexane	168.44	0.09	168.44	0.09	168.44	0.09	505.33	0.25
Toluene	136.86	0.07	136.86	0.07	136.86	0.07	410.58	0.21
Trimethylpentane (2,2,4)	84.22	0.05	84.22	0.05	84.22	0.05	252.66	0.13
Xylene	52.64	0.03	52.64	0.03	52.64	0.03	157.92	0.08
non-HAP VOCs	8884.26	4.44	8884.26	4.44	8884.26	4.44	29938	14.96

b. The maximum annual throughput for each tank shall not exceed 1,533 million gallons per year (36,500,000 barrels per year).

[45CSR13 - Permit R13-2277, Conditions 4.1.1. and 4.1.2. *(Tanks 270, 271, and 272)*]

5.1.3. a. The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 containing a volatile organic liquid (VOL) that, as stored, has a maximum true vapor pressure equal

to or greater than 5.2 kPa but less than 76.6 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following:

1. A fixed roof in combination with an internal floating roof meeting the following specifications:

   i. The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

   ii. Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:

      A. A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.

      B. Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

      C. A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

   iii. Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

   iv. Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float shall be bolted except when they are in use.

   v. Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

   vi. Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

   vii. Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.

viii. Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.

ix. Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

2. An external floating roof, defined as a pontoon-type or double-deck type cover that rests on the liquid surface in a vessel with no fixed roof, which meets the specifications listed in 40 CFR §60.112b(a)(2).

3. A closed vent system and control device meeting the specifications of 40 CFR § 60.112b(a)(3)(i) and (ii); or

4. A system equivalent to those described above as provided in Section 5.1.5. of this permit.

[40 CFR § 60.112b(a); 45CSR16; and 45CSR13 - Permit R13-2277, Conditions 4.1.7. and 4.1.8. *(Tanks 257, 258, 259, 260, 270, 271, and 272)*]

5.1.4. a. If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in emissions at least equivalent to the reduction in emissions achieved by any requirement in 40 CFR part 60, subpart Kb, the Administrator will publish in the Federal Register a notice permitting the use of the alternative means for purposes of compliance with that requirement.

b. Any notice under paragraph a. of this section will be published only after notice and an opportunity for a hearing.

c. Any person seeking permission under this section shall submit to the Administrator a written application including an actual emissions test that uses a full-sized or scale-model storage vessel that accurately collects and measures all VOC emissions from a given control device and that accurately simulates wind and accounts for other emission variables such as temperature and barometric pressure, and an engineering evaluation that the Administrator determines is an accurate method of determining equivalence.

d. The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same emissions reduction as specified in 40 CFR part 60, subpart Kb.

[40 CFR § 60.114b.; 45CSR16; and 45CSR13 - Permit R13-2277, Conditions 4.1.7. and 4.1.8. (Tanks 257, 258, 259, 260, 270, 271, and 272)]

5.1.5. Each owner or operator of a bulk gasoline terminal shall equip each gasoline storage vessel with a design capacity greater than or equal to 75 m^3 according to the requirements in Section 5.1.3. of this permit, except for the requirements in Sections 5.1.3.a.1. iv. through ix. of this permit and 40 CFR § 60.112b(a)(2)(ii).
[40 CFR § 63.423(a); 45CSR34; and 45CSR13 - Permit R13-2277, Condition 4.1.9 *(Tanks 257, 258, 259, 260, 270, 271, and 272)*]

5.1.6. For Tank 273, the permittee shall not exceed the emission limits provided in the table below:

Regulated Pollutant	Maximum Emissions	
	lbs/hr	tpy
Volatile Organic Compounds (VOCs)	64	10.85
Napthalene	0.78	0.01
Total Hazardous Air Pollutants (HAPs)	0.78	0.01

[45CSR13 - Permit R13-2277, Condition 4.1.3. *(Tank 273)*]

5.1.7. For tank [273], the permittee shall not exceed an annual throughput of 65,167,019 gallons or 77 tank turnovers per year on a 12 month rolling average.
[45CSR13 - Permit R13-2277, Condition 4.1.4. *(Tank 273)*]

5.1.8. The permittee shall store only biodiesel or #2 diesel fuel in Tank [273].
[45CSR13 - Permit R13-2277, Condition 4.1.5. *(Tank 273)*]

5.1.9. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed for Tanks 270, 271, and 272 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR13 - Permit R13-2277, Condition 4.1.10. *(Tanks 270, 271, 272)*]

5.2. Monitoring Requirements

5.2.1. The owner or operator of a petroleum liquid storage tank with a fixed roof shall perform routine, semi-annual, visual inspections of the internal floating roof and its closure seal or seals through roof hatches and perform a complete inspection of the cover and seal whenever the tank is emptied for non-operational reasons or at least every five (5) years, whichever is more frequent.
[45CSR§21-28.4 *(Tanks 257, 258, 259, 260, 270, 271, 272)*, Consent Order #:CO-BGT-R21-94-11 *(Tanks 257, 258)*]

5.2.2. The owner or operator of each storage vessel as specified in Section 5.1.3. of this permit shall meet the requirements of paragraph a., b., or c. of this section. The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of Section 5.1.3. of this permit.

a. 1. Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.

2. For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service

within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in Section 5.5.3.a.3. Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

3. For vessels equipped with a double-seal system as specified in Section 5.1.3.a.1.ii.B. of this permit:

   i. Visually inspect the vessel as specified in paragraph 4. of this section at least every 5 years; or

   ii. Visually inspect the vessel as specified in paragraph 2. of this section.

4. Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL.

b. If an external floating roof tank is installed, the owner or operator shall meet the requirements listed in 40 CFR § 60.113b(b).

c. The owner or operator of each source that is equipped with a closed vent system and control device as required in Section 5.1.3.a.3. (other than a flare) is exempt from 40 CFR §60.8 of the General Provisions and shall meet the requirements listed in 40 CFR § 60.113b(c)(1) and (2). If a closed vent system and control device are used to comply with the requirements of 40 CFR§ 63.423, the permittee shall also comply with the requirements of 40 CFR § 63.425(b) and 40 CFR § 63.427(a).

d. The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in Section 5.1.3.a.3. of this permit shall meet the requirements as specified in the general control device requirements, 40 CFR §§60.18 (e) and (f).

[40 CFR § 60.113b, 40 CFR §§ 63.425(d) and 63.427(c), 45CSR16, 45CSR34, (*Tanks 257, 258, 259, 260, 270, 271, and 272)*]

5.2.3. In addition to the performance testing and monitoring requirements as specified in 40 CFR part 63, subpart R, Table 1 "General Provisions Applicability to Subpart R," each owner or operator shall comply with the recordkeeping requirements in Section 5.4.3. of this permit. If a closed vent system and control device are used, as specified in Section 5.1.3.a.3. of this permit, to comply with the requirements in 40 CFR § 63.423, the owner or operator shall also comply with the requirements in paragraph (a) of 40 CFR § 63.427.
[40 CFR § 63.427(c) and 45CSR34 *(Tanks 257, 258, 259, 260, 270, 271, and 272)*]

5.3. Testing Requirements

5.3.1. None.

5.4. Recordkeeping Requirements

5.4.1. For the purpose of determining compliance with 45CSR21, 40 CFR 60, Subpart Kb, and 40 CFR 63, Subpart R, the facility shall maintain records for each tank [270, 271, and 272] of the volatile organic liquid stored, the period of storage, and the maximum true vapor pressure of the volatile organic liquid during the respected storage period. Records shall be maintained on site for a period of five (5) years. Certified copies of these records shall be made available to the Director or his duly authorized representative upon request.
[45CSR13 - Permit R13-2277 *(Tanks 270, 271, and 272)*, Condition 4.4.6., 45CSR§21-28.5. *(Tanks 257, 258, 259, 260, 270, 271, and 272)*, Consent Order #:CO-BGT-R21-94-11. *(Tanks 257, 258, 259 and 260)*]

5.4.2. For the purpose of determining compliance with the maximum throughput limits set forth in Section 5.1.2.b. of this permit and the maximum emission limits set forth in Section 5.1.2.a. of this permit, the facility shall maintain daily, monthly, and annual records of throughput for each tank. Records shall be maintained on site for a period of five (5) years. Certified copies of these records shall be made available to the Director or his duly authorized representative upon request.
[45CSR13 - Permit R13-2277, Condition 4.4.4. *(Tanks 270, 271, 272)*]

5.4.3. The permittee shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel for the life of the source. In addition, the permittee shall maintain a record of the volatile organic liquid stored, the period of storage, and the maximum true vapor pressure of that volatile organic liquid during the respected storage period. The maximum true vapor pressure shall be determined in accordance with 40 CFR § 60.116b(e).
[40 CFR § 60.116b(b), 40 CFR § 60.116b(c) , and 40 CFR § 63.427(c), 45CSR16, 45CSR34, *(Tanks 257, 258, 259, 260, 270, 271, and 272)*]

5.4.4. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:

a. The date, place as defined in this permit and time of sampling or measurements;

b. The date(s) analyses were performed;

c. The company or entity that performed the analyses;

d. The analytical techniques or methods used;

e. The results of the analyses; and

f. The operating conditions existing at the time of sampling or measurement.

[45CSR13 - Permit R13-2277, Condition 4.4.1.]

5.4.5. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
[45CSR13 - Permit R13-2277, Condition 4.4.2. *(Tanks 270, 271, 272)*]

5.4.6. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction

or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

[45CSR13 - Permit R13-2277, Condition 4.4.3. *(Tanks 270, 271, 272)*]

5.4.7. For the purpose of determining compliance with the maximum throughput limits set forth in section 5.1.7, the maximum hourly and annual emission limits set forth in section 5.1.6, and the material restrictions of 5.1.8, the facility shall maintain daily, monthly, and 12-month rolling average records of the material, unloading time, and the throughput and number of turnovers for Tank 273. Records shall be maintained on site for a period of five (5) years. Certified copies of these records shall be made available to the Director or his duly authorized representative upon request.
[45CSR13 - Permit R13-2277, Condition 4.4.5. *(Tank 273)*]

5.5. Reporting Requirements

5.5.1. The owner or operator shall, for each occurrence of excess emissions expected to last more than 7 days, within 1 business day of becoming aware of such occurrence, supply the Director by letter with the following information:

a. The name and location of the facility;

b. The subject sources that caused the excess emissions;

c. The time and date of first observation of the excess emissions; and

d. The cause and expected duration of the excess emissions.

e. For sources subject to numerical emission limitations, the estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions; and

f. The proposed corrective actions and schedule to correct the conditions causing the excess emissions.

[45CSR§§21-5.2., and 28.6. *(Tanks 257, 258, 259, 260, 270, 271, and 272)*]

5.5.2. The owner or operator shall notify the Director and USEPA in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by Section 5.2.2.a.1. or a.4. of this permit to afford the Director and USEPA the opportunity to have an observer present. If the inspection required by Section 5.2.2.a.4. of this permit is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Director and USEPA at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Director and USEPA at least 7 days prior to the refilling.
[40 CFR § 60.113b(a)(5); 40 CFR § 63.425(d); 45CSR16; 45CSR34 *(Tanks 257, 258, 259, 260, 270, 271, and 272)*]

5.5.3. The owner or operator of each storage vessel as specified in Section 5.1.3. of this permit shall keep records and furnish reports as required by paragraphs a., b., or c. of this section depending upon the control equipment installed to meet the requirements of 40 CFR 60, Subpart Kb. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by c., for at least 2 years. The record required by c. will be kept for the life of the control equipment.

a. After installing control equipment in accordance with Section 5.1.3.a.1. of this permit (fixed roof and internal floating roof), the owner or operator shall meet the following requirements.

1. Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of Sections 5.1.3.a.1. and 5.2.2.a.1 of this permit. This report shall be an attachment to the notification required by 40 CFR §60.7(a)(3).

2. Keep a record of each inspection performed as required by Section 5.2.2.a.1., 2., 3., and 4. of this permit. Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

3. If any of the conditions described in Section 5.2.2.a.2. of this permit are detected during the annual required visual inspection, a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

4. After each inspection required by Section 5.2.2.a.3. of this permit that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in Section 5.2.2.a.3.ii. of this permit, a report shall be furnished to the Administrator within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of Sections 5.1.3.a.1. or 5.2.2.a.3. of this permit and list each repair made.

b. If an external floating roof tank is installed, the owner or operator shall meet the requirements listed in 40 CFR § 60.115b(b).

c. If the permittee installs control equipment in accordance with Section 5.1.3.a.3. (closed vent system and control device other than a flare), the owner or operator shall keep a copy of the operating plan and a record of the measured values of the parameters monitored in accordance with 40CFR§60.113b(c)(2).

d. After installing a closed vent system and flare to comply with 40 CFR part 60, subpart Kb, the owner or operator shall meet the requirements listed in 40 CFR § 60.115b(d)(1) through (3).

[40 CFR § 60.115b, and 40 CFR § 63.428(d), 45CSR16, 45CSR34 *(Tanks 257, 258, 259, 260, 270, 271, and 272)*]

5.5.4. The owner or operator of each storage vessel meeting the specifications of Section 5.1.3. of this permit shall notify the Administrator within thirty (30) days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor pressure values for each volume range.
[40 CFR § 60.116b(d); 40 CFR § 63.427(c);45CSR16; 45CSR34 *(Tanks 257, 258, 259, 260, 270, 271, and 272)*]

5.5.5. The permittee shall submit an initial compliance certification immediately upon start-up of tank [273]. The initial compliance certification shall provide as a minimum the following information:

a. The name and location of the facility
b. The address and telephone number of the person responsible for the facility; and
c. Identification of subject sources.

[45CSR13 - Permit R13-2277, Condition 4.5.1. *(Tank 273)*]

5.5.6. The permittee shall also provide for [273] at a minimum:

a. The applicable emission limitation, equipment specification, or work practice;
b. The method of compliance;
c. The estimated emissions without control;
d. The control system(s) in use;
e. The design performance efficiency of the control system;
f. The estimated emissions after control;
g. Certification that all subject sources at the facility are in compliance with the applicable emission limitation, equipment specification, or work practice; and
h. The time at which the facility's "day" begins if a time other than midnight local time is used to define a "day".

[45CSR13 - Permit R13-2277, Condition 4.5.2. *(Tank 273)*]

5.5.7. The permittee shall, for each occurrence of excess emissions expected to last more than 7 days, within 1 business day of becoming aware of such occurrence, supply the Director by letter with the following information:

a. The name and location of the facility;
b. The subject sources that caused the excess emissions;
c. The time and date of first observation of the excess emissions;
d. The cause and expected duration of the excess emissions;
e. The estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions; and
f. The proposed corrective actions and schedule to correct the conditions causing the excess emissions.

[45CSR13 - Permit R13-2277, Condition 4.5.3.]

5.6. Compliance Plan

5.6.1. None

6.0 MACT Subpart Y Requirements [emission point ID(s): Barge Loading Stations 1 through 8]

6.1. Limitations and Standards

6.1.1. a. The emissions limitations in paragraphs b. and c. of this section apply during marine tank vessel loading operations.

b. *MACT standards*

1. i. V*apor collection system of the terminal.* The owner or operator of an existing source with emissions of 10 or 25 tons shall equip each terminal with a vapor collection system that is designed to collect HAP vapors displaced from marine tank vessels during marine tank vessel loading operations and to prevent HAP vapors collected at one loading berth from passing through another loading berth to the atmosphere.

ii. *Ship-to-shore compatibility.* The owner or operator of an existing source with emissions of 10 or 25 tons shall limit marine tank vessel loading operations to those vessels that are equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.

iii. *Vapor tightness of marine vessels.* The owner or operator of an existing source with emissions of 10 or 25 tons shall limit marine tank vessel loading operations to those vessels that are vapor tight and to those vessels that are connected to the vapor collection system.

2. *MACT standards for existing sources with emissions of 10 or 25 tons.* The owner or operator of an existing source with emissions of 10 or 25 tons, shall reduce captured HAP emissions from marine tank vessel loading operations by 97 weight-percent, as determined using methods in Section 6.3.1.d. and 6.3.1.i.

3. *Prevention of carbon adsorber emissions during regeneration.* The owner or operator shall prevent HAP emissions from escaping to the atmosphere from the regeneration of the carbon bed when using a carbon adsorber to control HAP emissions from marine tank vessel loading operations.

4. The permittee may apply for approval for a maintenance allowance for loading berths as described in 40 CFR § 63.562(b)(6).

[40 CFR §§ 63.562(a) and (b)(1), (2), (5), and (6); and 45CSR34]

c. *RACT standards* —

1. i. *Vapor collection system of the terminal.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels shall equip each terminal with a vapor collection system that is designed to collect VOC vapors displaced from marine tank vessels during loading and to prevent VOC vapors collected at one loading berth from passing through another loading berth to the atmosphere.

ii. *Ship-to-shore compatibility.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels shall limit marine tank vessel loading operations to those vessels that are equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.

iii. *Vapor tightness of marine vessels.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels shall limit marine tank vessel loading operations to those vessels that are vapor-tight and to those vessels that are connected to the vapor collection system.

2. *RACT standard for sources with throughput of 10 M or 200 M barrels.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels, shall reduce captured VOC emissions from marine tank vessel loading operations by 98 weight-percent when using a combustion device or reduce captured VOC emissions by 95 weight-percent when using a recovery device, as determined using methods in Section 6.3.1.d.

3. The owner or operator of a source with throughput of 10 M barrels or 200 M barrels, may meet the requirements of Section 6.1.1.c.2. by reducing gasoline loading emissions to, at most, 1,000 ppmv outlet VOC concentration.

4. *Prevention of carbon adsorber emissions during regeneration.* The owner or operator of a source with throughput of 10 M barrels or 200 M barrels shall prevent HAP emissions from escaping to the atmosphere from the regeneration of the carbon bed when using a carbon adsorber to control HAP emissions from marine tank vessel loading operations.

5. The permittee may apply for approval for a maintenance allowance for loading berths as described in 40 CFR § 63.562(c)(6).

[40 CFR §§ 63.562(c)(2) through (6); and 45CSR34]

d. *Operation and maintenance requirements for air pollution control equipment and monitoring equipment for affected sources.* At all times, owners or operators of affected sources shall operate and maintain a source, including associated air pollution control equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether acceptable operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

1. The Administrator will determine compliance with design, equipment, work practice, or operational emission standards by evaluating an owner or operator's conformance with operation and maintenance requirements.

2. The owner or operator of an affected source shall develop a written operation and maintenance plan that describes in detail a program of corrective action for varying (i.e., exceeding baseline parameters) air pollution control equipment and monitoring equipment, based on monitoring requirements in Section 6.2., used to comply with these emissions standards. The plan shall also identify all routine or otherwise predictable continuous monitoring system (thermocouples, pressure transducers, continuous emissions monitors (CEMS), etc.) variances.

i. The plan shall specify procedures (preventive maintenance) to be followed to ensure that pollution control equipment and monitoring equipment functions properly and variances of the control equipment and monitoring equipment are minimal.

ii. The plan shall identify all operating parameters to be monitored and recorded for the air pollution control device as indicators of proper operation and shall establish the frequency at which the parameters will be monitored.

iii. Owners or operators of affected sources shall incorporate a standardized inspection schedule for each component of the control device used to comply with the emissions standards in

Sections 6.1.1.b. and 6.1.1.c. To satisfy the requirements of this paragraph, the owner or operator may use the inspection schedule recommended by the vendor of the control system or any other technical publication regarding the operation of the control system.

iv. Owners or operators shall develop and implement a continuous monitoring system (CMS) quality control program. The owner or operator shall develop and submit to the Administrator for approval upon request a site-specific performance evaluation test plan for the CMS performance evaluation required in 40 C.F.R. §63.8(e). Each quality control program shall include, at a minimum, a written protocol that describes procedures for initial and any subsequent calibration of the CMS; determination and adjustment of the calibration drift of the CMS; preventive maintenance of the CMS, including spare parts inventory; data recording, calculations, and reporting; and accuracy audit procedures, including sampling and analysis methods. The owner or operation shall maintain records of the procedures that are part of the quality control program developed and implemented for CMS.

3. Based on the results of the determination made under Section 6.1.1.d.2., the Administrator may require that an owner or operator of an affected source make changes to the operation and maintenance plan for that source. Revisions may be required if the plan:

   i Does not address a variance of the air pollution control equipment or monitoring equipment that has occurred that increases emissions;

   ii. Fails to provide for operation during a variance of the air pollution control equipment or the monitoring equipment in a manner consistent with safety and good air pollution control practices; or

   iii. Does not provide adequate procedures for correcting a variance of the air pollution control equipment or monitoring equipment as soon as reasonable.

4. If the operation and maintenance plan fails to address or inadequately addresses a variance event at the time the plan was initially developed, the owner or operator shall revise the operation and maintenance plan within 45 working days after such an event occurs. The revised plan shall include procedures for operating and maintaining the air pollution control equipment or monitoring equipment during similar variance events and a program for corrective action for such events.

5. The operation and maintenance plan shall be developed by the source's compliance date. The owner or operator shall keep the written operation and maintenance plan on record to be made available for inspection, upon request, by the Administrator for the life of the source. In addition, if the operation and maintenance plan is revised, the owner or operator shall keep previous (i.e., superseded) versions of the plan on record to be made available for inspection upon request by the Administrator for a period of 5 years after each revision to the plan.

6. To satisfy the requirements of the operation and maintenance plan, the owner or operator may use the source's standard operating procedures (SOP) manual, an Occupational Safety and Health Administration (OSHA) plan, or other existing plans provided the alternative plans meet the requirements of this section and are made available for inspection when requested by the Administrator.

7. In response to an action to enforce the standards set forth in 40 CFR 63, Subpart Y, the permittee may assert an affirmative defense to a claim for civil penalties for exceedances of such standards that are caused by a malfunction, as defined in 40 CFR §63.2. Appropriate penalties may be assessed, however, if the respondent fails to meet its burden of proving all the requirements in the affirmative defense. The affirmative defense shall not be available for claims for injunctive relief.

i. To establish the affirmative defense in any action to enforce such a limit, the permittee must timely meet the notification requirements of condition 6.1.1.d.7.ii., and must prove by a preponderance of evidence that:

A. The excess emissions were caused by a sudden, infrequent, and unavoidable failure of air pollution control and monitoring equipment, or a process to operate in a normal and usual manner; and could not have been prevented through careful planning, proper design or better operation and maintenance practices; and did not stem from any activity or event that could have been foreseen and avoided, or planned for; and were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

B. Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded. Off-shift and overtime labor were used, to the extent practicable to make these repairs;

C. The frequency, amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;

D. If the excess emissions resulted from a bypass of control equipment or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

E. All possible steps were taken to minimize the impact of the excess emissions on ambient air quality, the environment, and human health;

F. All emissions monitoring and control systems were kept in operation if at all possible, consistent with safety and good air pollution control practices;

G. All of the actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs;

H. At all times, the affected facility was operated in a manner consistent with good practices for minimizing emissions; and

I. The owner or operator has prepared a written root cause analysis, the purpose of which is to determine, correct, and eliminate the primary causes of the malfunction and the excess emissions resulting from the malfunction event at issue. The analysis shall also specify, using the best monitoring methods and engineering judgment, the amount of excess emissions that were the result of the malfunction.

ii. Notification. The owner or operator of the facility experiencing an exceedance of its emission limit(s) during a malfunction shall notify the Administrator by telephone or facsimile (FAX) transmission as soon as possible, but no later than 2 business days after the initial occurrence of the malfunction, if it wishes to avail itself of an affirmative defense to civil penalties for that malfunction. The owner or operator seeking to assert an affirmative defense shall also submit a written report to the Administrator within 45 days of the initial occurrence of the exceedance of the standard in this subpart to demonstrate, with all necessary supporting documentation, that it has met the requirements set forth in condition 6.1.1.d.7.i. The owner or operator may seek an extension of this deadline for up to 30 additional days by submitting a written request to the Administrator before the expiration of the 45 day period. Until a request for an extension has been approved by the Administrator, the owner or operator is subject to the requirement to submit such report within 45 days of the initial occurrence of the exceedance.

[40 CFR § 63.562(e); and 45CSR34]

6.1.2. a. The following procedures shall be used to determine compliance with the emissions limits under Sections 6.1.1.b.1. and 6.1.1.c.1.:

1. *Vent stream by-pass requirements for the terminal's vapor collection system.*

i. In accordance with Sections 6.1.1.b.1.i. and 6.1.1.c.1.i., each valve in the terminal's vapor collection system that would route displaced vapors to the atmosphere, either directly or indirectly, shall be secured closed during marine tank vessel loading operations either by using a car-seal or a lock-and-key type configuration, or the by-pass line from the valve shall be equipped with a flow indicator, except for those valves used for pressure/vacuum relief, analyzers, instrumentation devices, sampling, and venting for maintenance. Marine tank vessel loading operations shall not be performed with open by-pass lines.

ii. Repairs shall be made to valves, car-seals, or closure mechanisms no later than 15 days after a change in the position of the valve or a break in the car-seal or closure mechanism is detected or no later than prior to the next marine tank vessel loading operation, whichever is later.

2. *Ship-to-shore compatibility of vapor collection systems.* Marine tank vessel loading operations must be performed only if the marine tank vessel's vapor collection equipment is compatible to the terminal's vapor collection system; marine tank vessel loading operations must be performed only when the marine tank vessel's vapor collection equipment is connected to the terminal's vapor collection system, as required in Sections 6.1.1.b.1.ii. and 6.1.1.c.1.ii.

3. *Vapor-tightness requirements of the marine vessel.* The owner or operator of an affected source shall use the procedures in paragraphs i., ii., or iii. below to ensure that marine tank vessels are vapor tight, as required in Sections 6.1.1.b.1.iii. and 6.1.1.c.1.iii.

i. *Pressure test documentation for determining vapor tightness of the marine vessel.* The owner or operator of a marine tank vessel shall provide a copy of the vapor-tightness pressure test documentation described in Section 6.4.1.f. for each marine tank vessel prior to loading. The date of the test listed in the documentation must be within the preceding 12 months, and the test must be conducted in accordance with the procedures in Section 6.3.1.c.1. Following the date on which the initial performance test is completed, the affected source must check vapor-tightness pressure test documentation for marine tank vessels loaded at positive pressure.

ii. *Leak test documentation for determining vapor tightness of the marine vessel.* If no documentation of the vapor tightness pressure test as described in Section 6.1.2.a.3.i. is available, the owner or operator of a marine tank vessel shall provide the leak test documentation described in Section 6.4.1.f. for each marine tank vessel prior to loading. The date of the test listed in the documentation must be within the preceding 12 months, and the test must be conducted in accordance with the procedures in Section 6.3.1.c.2.. If the marine tank vessel has failed its most recent vapor-tightness leak test at that terminal, the owner or operator of the non-vapor-tight marine tank vessel shall provide documentation that the leaks detected during the previous vapor-tightness test have been repaired and documented with a successful vapor-tightness leak test described in Section 6.3.1.c.2. conducted during loading. If the owner or operator of the marine tank vessel can document that repair is technically infeasible without cleaning and gas freeing or dry-docking the vessel, the owner or operator of the affected source may load the marine tank vessel. Following the date on which the initial performance test is completed, an affected source must check the vapor-tightness leak test documentation for marine tank vessels loaded at positive pressure.

iii. *Leak test performed during loading using Method 21 for determining vapor tightness of the marine vessel.* If no documentation of vapor tightness as described in Sections 6.1.2.a.3.i. or

ii. is available, the owner or operator of a marine tank vessel shall perform a leak test of the marine tank vessel during marine tank vessel loading operation using the procedures described in Section 6.3.1.c.2.

A. If no leak is detected, the owner or operator of a marine tank vessel shall complete the documentation described in Section 6.4.1.f. prior to departure of the vessel.

B. If a leak is detected, the owner or operator of the marine tank vessel shall document the vapor-tightness failure for the marine tank vessel prior to departure of the vessel. The leaking component shall be repaired prior to the next marine tank vessel loading operation at a controlled terminal unless the repair is technically infeasible without cleaning and gas freeing or dry-docking the vessel. If the owner or operator of the vessel provides documentation that repair of such equipment is technically infeasible without cleaning and gas freeing or dry-docking the vessel, the equipment responsible for the leak will be excluded from future Method 21 tests until repairs are effected. A copy of this documentation shall be maintained by the owner or operator of the affected source. Repair of the equipment responsible for the leak shall occur the next time the vessel is cleaned and gas freed or dry-docked. For repairs that are technically feasible without dry-docking the vessel, the owner or operator of the affected source shall not load the vessel again unless the marine tank vessel owner or operator can document that the equipment responsible for the leak has been repaired.

[40CFR§ 63.563(a) and 45CSR34]

b. *Compliance determination for affected sources.* The following procedures shall be used to determine compliance with the emissions limits under Section 6.1.1.b. and c.

1. *Operation and maintenance inspections.* If the 3-hour or 3-cycle block average operating parameters in Sections 6.1.2.b.2. and b.3., outside the acceptable operating ranges, are measured and recorded, i.e., variances of the pollution control device or monitoring equipment, the owner or operator of the affected source shall perform an unscheduled inspection of the control device and monitoring equipment and review of the parameter monitoring data. The owner or operator of the affected source shall perform an inspection and review when total parameter variance time for the control device is greater than 10 percent of the operating time for marine tank vessel loading operations on a 30-day, rolling-average basis. The inspection and review shall be conducted within 24 hours after passing the allowable variance time of 10 percent. The inspection checklist from the requirements of Section 6.1.1.d.2.iii. and the monitoring data from requirements in Section 6.1.1.d.2.ii. and Section 6.2. should be used to identify any maintenance problems that may be associated with the variance. The unscheduled inspection should encompass all components of the control device and monitoring equipment that can be inspected while in operation. If any maintenance problem is identified during the inspection, the owner or operator of the affected source must take corrective action (e.g., adjustments to operating controls, etc.) as soon as practicable. If no immediate maintenance problems are identified from the inspection performed while the equipment is operating, a complete inspection in accordance with Section 6.1.1.d.2. must be conducted prior to the next marine tank vessel loading operation and corrective action (e.g., replacement of defective parts) must be taken as soon as practicable for any maintenance problem identified during the complete inspection.
[40CFR§ 63.563(b)(3) and 45CSR34]

2. *Carbon adsorber.* The owner or operator shall comply with paragraph i. and ii. of this section.

i. *Compliance determination for carbon bed regeneration.* Desorbed hydrocarbons from regeneration of the off-line carbon bed shall be vented to the on-line carbon bed.

ii. *Baseline parameters for required percent recovery efficiency.*

A. *Outlet VOC concentration limit for required percent recovery efficiency.* The owner or operator shall establish as an operating parameter the baseline VOC concentration using the procedures described in Section 6.3.1.e. The facility shall be operated with a block average outlet VOC concentration as determined in Section 6.2.1.d.1. no more than 20 percent above the baseline VOC concentration.

[40CFR§ 63.563(b)(6) and 45CSR34]

3. *Alternative control devices.* For sources complying with Sections 6.1.1.b.2., c.2. and c.3. with the use of a control technology other than the devices discussed in Section 6.1.2.b.2. of this permit, the owner or operator of an affected source shall provide to the Administrator information describing the design and operation of the air pollution control system, including recommendations for the operating parameter(s) to be monitored to indicate proper operation and maintenance of the air pollution control system. Based on this information, the Administrator shall determine the operating parameter(s) to be established during the performance test. The device shall achieve at least the percent destruction efficiency or recovery efficiency required under Section 6.1.1.b.2., c.2. and c.3. The owner or operator shall establish the operating parameter(s) approved by the Administrator. Following the date on which the performance test is complete, the facility shall operate either above or below a maximum or minimum operating parameter, as appropriate.
[40CFR§ 63.563(b)(9) and 45CSR34]

4. *Emission estimation.* The owner or operator of a source subject to Section 6.1.1.b.2. shall use the emission estimation procedures in Section 6.3.1.i. to calculate HAP emissions.
[40CFR§ 63.563(b)(10) and 45CSR34]

c. *Leak detection and repair for vapor collection systems and control devices.* The following procedures are required for all sources subject to Section 6.1.1.b. or c.:

1. *Annual leak detection and repair for vapor collection systems and control devices.* The owner or operator of an affected source shall inspect and monitor all ductwork and piping and connections to vapor collection systems and control devices once each calendar year using Method 21.

2. *Ongoing leak detection and repair for vapor collection systems and control devices.* If evidence of a potential leak is found by visual, audible, olfactory, or any other detection method, all ductwork and piping and connections to vapor collection systems and control devices shall be inspected to the extent necessary to positively identify the potential leak and any potential leaks shall be monitored within 5 days by Method 21. Each detection of a leak shall be recorded, and the leak shall be tagged until repaired.

3. When a leak is detected, a first effort to repair the vapor collection system and control device shall be made within 15 days or prior to the next marine tank vessel loading operation, whichever is later.

[40CFR§ 63.563(c) and 45CSR34]

6.2. Monitoring Requirements

6.2.1. a. 1. The owner or operator of an affected source shall comply with the monitoring requirements in 40CFR §63.8, in accordance with Table 1 of 40CFR §63.560 and the monitoring requirements in this section.

2. Each owner or operator of an affected source shall monitor the parameters specified in this section. All monitoring equipment shall be installed such that representative measurements of emissions or process parameters from the source are obtained. For monitoring equipment purchased from a vendor, verification of the operational status of the monitoring equipment shall include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system.

3. Except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all continuous parametric monitoring systems (CPMS) and CEMS shall be in continuous operation while marine tank vessel loading operations are occurring and shall meet minimum frequency of operation requirements. Sources monitoring by use of CEMS and CPMS shall complete a minimum of one cycle of operation (sampling, analyzing, and/or data recording) for each successive 15-minute period.

4. The owner or operator of a CMS installed in accordance with these emissions standards shall comply with the performance specifications either in performance specification (PS) 8 in 40 CFR part 60, appendix B for CEMS or in 40CFR §63.7(c)(6) for CPMS.

5. A CEMS is out of control when the measured values (i.e., daily calibrations, multipoint calibrations, and performance audits) exceed the limits specified in either PS 8 or in 40CFR §63.8(c)(7). The owner or operator of a CEMS that is out of control shall submit all information concerning out of control periods, including start and end dates and hours and descriptions of corrective actions taken, in the excess emissions and continuous monitoring system performance report required in Section 6.4.1.b.

[40CFR§ 63.564(a) and 45CSR34]

b. *Vapor collection system of terminal.* Owners or operators of a source complying with Section 6.1.2.a.1. that uses a vapor collection system that contains valves that could divert a vent stream from a control device used to comply with the provisions of this subpart shall comply with paragraph b.1., 2., or 3. of this section.

1. Measure and record the vent stream flowrate of each by-pass line once every 15 minutes. The owner or operator shall install, calibrate, maintain, and operate a flow indicator and data recorder. The flow indicator shall be installed immediately downstream of any valve (i.e., entrance to by-pass line) that could divert the vent stream from the control device to the atmosphere.

2. Measure the vent stream flowrate of each by-pass line once every 15 minutes. The owner or operator shall install, calibrate, maintain, and operate a flow indicator with either an audio or visual alarm. The flow indicator and alarm shall be installed immediately downstream of any valve (i.e., entrance to bypass line) that could divert the vent stream from the control device to the atmosphere. The alarm shall be checked every 6 months to demonstrate that it is functioning properly.

3. Visually inspect the seal or closure mechanism once during each marine tank vessel loading operation and at least once every month to ensure that the valve is maintained in the closed position and that the vent stream is not diverted through the by-pass line; record all times when

the car seals have been broken and the valve position has been changed. Each by-pass line valve shall be secured in the closed position with a car-seal or a lock-and-key type configuration.

[40CFR§ 63.564(b) and 45CSR34]

c. *Pressure/vacuum settings for the marine tank vessel's vapor collection equipment.* Owners or operators of a source complying with Section 6.1.2.a.3. shall measure continuously the operating pressure of the marine tank vessel during loading.
[40CFR§ 63.564(c) and 45CSR34]

d. *Carbon adsorber.* For sources complying with Section 6.1.2.b.2., use of a carbon adsorber, the owner or operator shall comply with paragraph d.1. of this section.

1. *Outlet VOC concentration.* Monitor the VOC concentrations at the exhaust point of each carbon adsorber unit and record the output from the system. For sources monitoring the outlet VOC concentration established during the performance test, a data acquisition system shall record a concentration every 15 minutes and shall compute and record an average concentration each cycle (same time period or cycle as the performance test) and a 3-cycle block average concentration every third cycle. For sources monitoring the 1,000 ppmv VOC concentration for gasoline loading, a data acquisition system shall record a concentration every 15 minutes and shall compute and record an average concentration each hour and a 3-hour block average concentration every third hour. The owner or operator will install, calibrate, operate, and maintain a CEMS consistent with the requirements of PS 8 to measure the VOC concentration. The daily calibration requirements are required only on days when marine tank vessel loading operations occur.

[40CFR§ 63.564(g) and 45CSR34]

6.3. Testing Requirements

6.3.1. a. *Performance testing.* The owner or operator of an affected source in Section 6.1.1. shall comply with the performance testing requirements in 40CFR §63.7, in accordance with Table 1 of 40CFR §63.560 and the performance testing requirements in this section.
[40CFR§ 63.565(a) and 45CSR34]

b. *Pressure/vacuum settings of marine tank vessel's vapor collection equipment.* For the purpose of determining compliance with 40 CFR §63.563(a)(3)., the following procedures shall be used:

1. Calibrate and install a pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument) capable of measuring up to the maximum relief set pressure of the pressure vacuum vents;

2. Connect the pressure measurement device to a pressure tap in the terminal's vapor collection system, located as close as possible to the connection with the marine tank vessel.

3. During the performance test required in 40 CFR §63.563(b)(1), record the pressure every 5 minutes while a marine tank vessel is being loaded and record the highest instantaneous pressure and vacuum that occurs during each loading cycle.

[40CFR§ 63.565(b) and 45CSR34]

c. Vapor-tightness test procedures for the marine tank vessel. When testing a vessel for vapor tightness to comply with the marine vessel vapor-tightness requirements of Section 6.1.2.a.3.i., the owner or operator of a source shall use the methods in either paragraph c.1. or 2. in this section.

1. Pressure test for the marine tank vessel.

   i. Each product tank shall be pressurized with dry air or inert gas to no more than the pressure of the lowest pressure relief valve setting.

   ii. Once the pressure is obtained, the dry air or inert gas source shall be shut off.

   iii. At the end of one-half hour, the pressure in the product tank and piping shall be measured. The change in pressure shall be calculated using the following formula:

   $P=P_i-P_f$

   Where:

   P=change in pressure, inches of water.

   P_i=pressure in tank when air/gas source is shut off, inches of water.

   P_f=pressure in tank at the end of one-half hour after air/gas source is shut off, inches of water.

   iv. The change in pressure, P, shall be compared to the pressure drop calculated using the following formula:

   $PM=0.861\ P_{ia}\ L/V$

   Where:

   PM=maximum allowable pressure change, inches of water.

   P_{ia}=pressure in tank when air/gas source is shut off, psia.

   L=maximum permitted loading rate of vessel, barrels per hour.

   V=total volume of product tank, barrels.

   v. If $P \leq PM$, the vessel is vapor tight.

   vi. If $P > PM$, the vessel is not vapor tight and the source of the leak must be identified and repaired prior to retesting.

2. *Leak test for the marine tank vessel.* Each owner or operator of a source complying with Section 6.1.2.a.3.ii. or iii. shall use Method 21 as the vapor-tightness leak test for marine tank vessels. The test shall be conducted during the final 20 percent of loading of each product tank of the marine vessel, and it shall be applied to any potential sources of vapor leaks on the vessel.

[40CFR§ 63.565(c) and 45CSR34]

d. *Recovery control device performance test procedures.*

1. All testing equipment shall be prepared and installed as specified in the appropriate test methods.

2. All testing shall be performed during the last 20 percent of loading of a tank or compartment.

3. All emission testing intervals shall consist of each 5 minute period during the performance test. For each interval, the following shall be performed:

   i. *Readings.* The reading from each measurement instrument shall be recorded.

   ii. *Sampling Sites.* Method 1 or 1A of appendix A of part 60 of this chapter, as appropriate, shall be used for selection of sampling sites. Sampling sites shall be located at the inlet and outlet of the combustion device or recovery device except for owners or operators complying with the 1,000 ppmv VOC emissions limit for gasoline vapors under Section 6.1.2.b.2., where the sampling site shall be located at the outlet of the recovery device.

   iii. *Volume exhausted.* The volume exhausted shall be determined using Method 2, 2A, 2C, or 2D of appendix A of part 60 of this chapter, as appropriate.

4. *Recovery devices.* The average VOC concentration in the vent upstream and downstream of the control device shall be determined using Method 25A or 25B of appendix A-7 of part 60 of this chapter for recovery devices. The average VOC concentration shall correspond to the volume measurement by taking into account the sampling system response time.

5. The VOC mass at the inlet and outlet of the recovery device during each testing interval shall be calculated as follows:

   $M_j = FKV_s C_{VOC}$

   Where:

   M_j = mass of VOC at the inlet and outlet of the recovery device during testing interval j, kilograms (kg).

   $F = 10^{-6}$ = conversion factor, (cubic meters VOC/cubic meters air)(1/ppmv) (m^3 VOC/m^3 air)(1/ppmv).

   K = density, kilograms per cubic meter (kg/m^3 VOC), standard conditions, 20ºC and 760 mm Hg.

   V_s = volume of air-vapor mixture at the inlet and outlet of the recovery device, cubic meters (m^3) at standard conditions, 20ºC and 760 mm Hg.

   C_{VOC} = VOC concentration (as measured) at the inlet and outlet of the recovery device, ppmv, dry basis.

   s = standard conditions, 20ºC and 760 mm Hg.

6. The VOC mass emission rates at the inlet and outlet of the recovery device shall be calculated as follows:

$$E_i = \frac{\sum_{j-1}^{n} M_{ij}}{T}$$

$$E_o = \frac{\sum_{j-1}^{n} M_{oj}}{T}$$

Where:

E_i, E_o = mass flow rate of VOC at the inlet (i) and outlet (o) of the recovery device, kilogram per hour (kg/hr).

M_{ij}, M_{oj}=mass of VOC at the inlet (i) or outlet (o) during testing interval j, kg.

T=Total time of all testing intervals, hour.

n=number of testing intervals.

7. Where Method 25, 25A, or 25B, is used to measure the percent reduction in VOC, the percent reduction across the recovery device shall be calculated as follows:

$$R = \frac{E_i - E_o}{E_i}(100\%)$$

Where:

R=control efficiency of control device, percent.

E_i=mass flow rate of VOC at the inlet to the recovery device as calculated under paragraph (d)(6) of this section, kg/hr.

E_o=mass flow rate of VOC at the outlet of the recovery device, as calculated under paragraph (d)(6) of this section, kg/hr.

8. Repeat the procedures in paragraph d.1. through d.7. of this section 3 times. The arithmetic average percent efficiency of the three runs shall determine the overall efficiency of the control device.

9. Use of methods other than Method 25, 25A, or 25B, shall be validated pursuant to Method 301 of appendix A of part 63 of this chapter.

[40CFR§§ 63.565(d)(1)-(3) and (5)-(10); and 45CSR34]

e. *Baseline outlet VOC concentration.* The procedures in this paragraph shall be used to determine the outlet VOC concentration required in Section 6.1.2.b.2. for carbon adsorbers and to monitor the VOC concentration as required in Section 6.2.1.d.1. The owner or operator shall use the procedures outlined

in Method 25A, or 25B. For the baseline VOC concentration, the arithmetic average of the outlet VOC concentration from three test runs from paragraph d. of this section shall be calculated for the control device. The VOC concentration shall be measured at least every 15 minutes. Compliance testing of VOC CEMS shall be performed using PS 8.
[40CFR§ 63.565(g) and 45CSR34]

f. *Emission estimation procedures.* For sources with emissions less than 10 or 25 tons and sources with emissions of 10 or 25 tons, the owner or operator shall calculate an annual estimate of HAP emissions from marine tank vessel loading operations. Emission estimates and emission factors shall be based on test data, or if test data is not available, shall be based on measurement or estimating techniques generally accepted in industry practice for operating conditions at the source.
[40CFR§ 63.565(l) and 45CSR34]

6.4. Recordkeeping and Reporting Requirements

6.4.1. a. The owner or operator of an affected source shall fulfill all reporting and recordkeeping requirements in 40CFR §§63.9 and 63.10 in accordance with the provisions in Table 1 of 40CFR §63.560 and fulfill all reporting and recordkeeping requirements in this section. These reports will be made to the Administrator at the appropriate address identified in Section 3.5.3.

1. Reports required by 40 CFR part 63, subpart A and Y may be sent by U.S. mail, facsimile (fax), or by another courier. Submittals sent by U.S. mail shall be postmarked on or before the specified date. Submittals sent by other methods shall be received by the Administrator on or before the specified date.

2. If acceptable to both the Administrator and the owner or operator of a source, reports may be submitted on electronic media.

[40CFR§ 63.567(a) and 45CSR34]

b. *Summary reports and excess emissions and monitoring system performance reports—*

1. *Schedule for summary report and excess emissions and monitoring system performance reports.* Excess emissions and parameter monitoring exceedances are defined in Section 6.1.2.b. The owner or operator of a source subject to these emissions standards that is required to install a CMS shall submit an excess emissions and continuous monitoring system performance report and/or a summary report to the Administrator once each year, except, when the source experiences excess emissions, the source shall comply with a semi-annual reporting format until a request to reduce reporting frequency under paragraph b.2. of this section is approved.

2. *Request to reduce frequency of excess emissions and continuous monitoring system performance reports.* An owner or operator who is required to submit excess emissions and continuous monitoring system performance and summary reports on a semi-annual basis may reduce the frequency of reporting to annual if the following conditions are met:

i. For 1 full year the sources's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance; and

ii. The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in 40 CFR part 63, subpart Y and 40 CFR part 63, subpart A.

3. The frequency of reporting of excess emissions and continuous monitoring system performance and summary reports required may be reduced only after the owner or operator notifies the

Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the 5-year recordkeeping prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation maintenance requirements. Such information may be used by the Administrator to make a judgement about the source's potential for noncompliance in the future. If the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

4. *Content and submittal dates for excess emissions and monitoring system performance reports.* All excess emissions and monitoring system performance reports and all summary reports, if required per paragraph b.5. and 6. of this section, shall be delivered or postmarked within 30 days following the end of each calendar year, or within 30 days following the end of each six month period, if appropriate. Written reports of excess emissions or exceedances of process or control system parameters shall include all information required in 40 CFR §63.10(c)(5) through (13) as applicable in Table 1 of 40 C.F.R. §63.560 and information from any calibration tests in which the monitoring equipment is not in compliance with PS 8 or other methods used for accuracy testing of temperature, pressure, or flow monitoring devices. The written report shall also include the name, title, and signature of the responsible official who is certifying the accuracy of the report. When no excess emissions or exceedances have occurred or monitoring equipment has not been inoperative, repaired, or adjusted, such information shall be stated in the report. This information will be kept for a minimum of 5 years and made readily available to the Administrator or delegated State authority upon request.

5. If the total duration of excess emissions or control system parameter exceedances for the reporting period is less than 5 percent of the total operating time for the reporting period, and CMS downtime for the reporting period is less than 10 percent of the total operating time for the reporting period, only the summary report of 40 CFR §63.10(e)(3)(vi) shall be submitted, and the full excess emissions and continuous monitoring system performance report of paragraph b.4. of this section need not be submitted unless required by the Administrator.

6. If the total duration of excess emissions or process or control system parameter exceedances for the reporting period is 5 percent or greater of the total operating time for the reporting period, or the total CMS downtime for the reporting period is 10 percent or greater of the total operating time for the reporting period, both the summary report of 40 CFR §63.10(e)(3)(vi) and the excess emissions and continuous monitoring system performance report of paragraph b.4. of this section shall be submitted.

[40CFR§ 63.567(e) and 45CSR34]

c. *Vapor collection system of the terminal.* Each owner or operator of an affected source shall maintain in an accessible location on site an engineering report describing in detail the vent system, or vapor collection system, used to vent each vent stream to a control device. This report shall include all valves and vent pipes that could vent the stream to the atmosphere, thereby bypassing the control device, and identify which valves are car-sealed opened and which valves are car-sealed closed.
[40CFR§ 63.567(f) and 45CSR34]

d. If a vent system, or vapor collection system, containing valves that could divert the emission stream away from the control device is used, each owner or operator of an affected source shall keep for at least 5 years up-to-date, readily accessible continuous records of:

1. All periods when flow bypassing the control device is indicated if flow indicators are installed under Sections 6.1.2.a.1. and 6.2.1.b., and

2. All times when maintenance is performed on car-sealed valves, when the car-seal is broken, and when the valve position is changed (i.e., from open to closed for valves in the vent piping to the control device and from closed to open for valves that vent the stream directly or indirectly to the atmosphere bypassing the control device) if valves are monitored under Section 6.2.1.b.

[40CFR§ 63.567(g) and 45CSR34]

e. The owner or operator of an affected source shall keep the vapor-tightness documentation required under Section 6.1.2.a.3. on file at the source in a permanent form available for inspection.
[40CFR§ 63.567(h) and 45CSR34]

f. *Vapor tightness test documentation for marine tank vessels.* The owner or operator of an affected source shall maintain a documentation file for each marine tank vessel loaded at that source to reflect current test results as determined by the appropriate method in Sections 6.3.1.c.1. and 2. Updates to this documentation file shall be made at least once per year. The owner or operator shall include, as a minimum, the following information in this documentation:

1. Test title;

2. Marine vessel owner and address;

3. Marine vessel identification number;

4. Loading time, according to Section 6.1.2.a.3.ii. or iii., if appropriate;

5. Testing location;

6. Date of test;

7. Tester name and signature;

8. Test results from Section 6.3.1.c.1. or 2., as appropriate;

9. Documentation provided under Section 6.1.2.a.3.ii. or iii.B. showing that the repair of leaking components attributed to a failure of a vapor-tightness test is technically infeasible without dry-docking the vessel; and

10. Documentation that a marine tank vessel failing a pressure test or leak test has been repaired.

[40CFR§ 63.567(i) and 45CSR34]

g. *Emission estimation reporting and recordkeeping procedures.* The owner or operator of each source complying with the emission limits specified in Section 6.1.1.b.2. shall comply with the following provisions:

1. Keep readily accessible records of the emission estimation calculations performed in Section 6.3.1.i. for 5 years; and

2. Submit an annual report of the source's HAP control efficiency calculated using the procedures specified in Section 6.3.1.i., based on the source's actual throughput.

3. Owners or operators of marine tank vessel loading operations shall retain records of the emissions estimates determined in Section 6.3.1.i. and records of their actual throughputs by commodity, for 5 years.

[40CFR§ 63.567(j) and 45CSR34]

h. *Leak detection and repair of vapor collection systems and control devices.* When each leak of the vapor collection system, or vapor collection system, and control device is detected and repaired as specified in Section 6.1.2.c., the following information required shall be maintained for 5 years:

1. Date of inspection;

2. Findings (location, nature, and severity of each leak);

3. Leak determination method;

4. Corrective action (date each leak repaired, reasons for repair interval); and

5. Inspector name and signature.

[40CFR§ 63.567(k) and 45CSR34]

i. The number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded shall be stated in a semiannual report. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with 40 CFR §63.562(e), including actions taken to correct a malfunction. The report, to be certified by the owner or operator or other responsible official, shall be submitted semiannually and delivered or postmarked by the 30th day following the end of each calendar half.
[40CFR§ 63.567(m) and 45CSR34]

j. 1. As of January 1, 2012 and within 60 days after the date of completing each performance test, as defined in 40 CFR §63.2, and as required in 40 CFR 63, Subpart Y, the permittee must submit performance test data, except opacity data, electronically to EPA's Central Data Exchange by using the ERT (see http://www.epa.gov/ttn/chief/ert/ert tool.html/) or other compatible electronic spreadsheet. Only data collected using test methods compatible with ERT are subject to this requirement to be submitted electronically into EPA's WebFIRE database.

2. All reports required by 40 CFR 63, Subpart Y not subject to the requirements in condition 6.4.1.j.1. must be sent to the Administrator at the appropriate address listed in 40 CFR §63.13. If acceptable to both the Administrator and the owner or operator of a source, these reports may be submitted on electronic media. The Administrator retains the right to require submittal of reports subject to condition 6.4.1.j.1. in paper format.

[40CFR§ 63.567(n) and 45CSR34]

6.5. Compliance Plan

6.5.1. None

7.0 MACT Subpart ZZZZ Requirements [emission point ID(s): Engine #1]

7.1. Limitations and Standards

7.1.1. The permittee must comply with the requirements in Table 2d to 40 CFR 63, Subpart ZZZZ:

Table 2d to Subpart ZZZZ of Part 63—Requirements for Existing Stationary RICE Located at Area Sources of HAP Emissions

For each . . .	The permittee must meet the following requirement, except during periods of startup . . .	During periods of startup the permittee must . . .
4. Emergency stationary CI RICE and black start stationary CI RICE.[2]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[1]	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.
	b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	

[1]Sources have the option to utilize an oil analysis program as described in 40 CFR §§63.6625(i) or (j) in order to extend the specified oil change requirement in Table 2d of 40 CFR 63, Subpart ZZZZ.

[2]If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Table 2d of 40 CFR 63, Subpart ZZZZ, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

[40CFR§ 63.6603(a); Table 2d to 40 CFR 63, Subpart ZZZZ; 45CSR34]

7.1.2. Beginning January 1, 2015, if the permittee owns or operates an existing emergency CI stationary RICE with a site rating of more than 100 brake HP and a displacement of less than 30 liters per cylinder that uses diesel fuel and operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 40 CFR §§63.6640(f)(2)(ii) and (iii) or that operates for the purpose specified in 40 CFR §63.6640(f)(4)(ii), the permittee must use diesel fuel that meets the requirements in 40 CFR §80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted.

[40CFR§ 63.6604(b) and 45CSR34]

7.1.3. The permittee must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop its own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

[40CFR§ 63.6625(e) and 45CSR34]

7.1.4. The permittee must install a non-resettable hour meter if one is not already installed.
[40CFR§ 63.6625(f) and 45CSR34]

7.1.5. The permittee must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to 40 CFR 63, Subpart ZZZZ apply.
[40CFR§ 63.6625(h) and 45CSR34]

7.1.6. The permitee has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in condition 7.1.1. The oil analysis must be performed at the same frequency specified for changing the oil in condition 7.1.1. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.
[40CFR§ 63.6625(i) and 45CSR34]

7.1.7. The permittee shall demonstrate continuous compliance in accordance with 40CFR§§63.6605 and 6640 as follows:

a. The permittee must demonstrate continuous compliance with each emission limitation, operating limitation, and other applicable requirements in Table 2d (Condition 7.1.1) to 40 CFR 63, Subpart ZZZZ according to methods specified in Table 6 to 40 C.F.R. 63, Subpart ZZZZ:

Table 6 to Subpart ZZZZ of Part 63—Continuous Compliance with Emission Limitations, and Other Requirements

For each . . .	**Complying with the requirement to . . .**	**The permittee must demonstrate continuous compliance by . . .**
9. Existing emergency and black start stationary RICE located at an area source of HAP	a. Work or Management practices	i. Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or ii. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

b. The permittee must report each instance in which the permittee did not meet each applicable emission limitation or operating limitation in Table 2d to 40 CFR 63, Subpart ZZZZ. These instances are

deviations from the emission and operating limitations in this subpart. These deviations must be reported according to the requirements in 40 CFR §63.6650.

c. If the permittee owns or operates an emergency stationary RICE, the permittee must operate the emergency stationary RICE according to the requirements in the following paragraphs. In order for the engine to be considered an emergency stationary RICE under 40 CFR 63, Subpart ZZZZ, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in conditions 7.1.7.c.1. through 7.7.1.c.3., are prohibited. If the permittee does not operate the engine according to the requirements in conditions 7.1.7.c.1. through 7.7.1.c.3., the engine will not be considered an emergency engine under 40 CFR 63, Subpart ZZZZ and must meet all requirements for non-emergency engines:

1. There is no time limit on the use of emergency stationary RICE in emergency situations.

2. The permittee may operate the emergency stationary RICE for any combination of the following purposes for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by conditions7.1.7.c.3. counts as part of the 100 hours per calendar year allowed by this paragraph.

   i. Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.

   ii. Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see 40 CFR §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

   iii. Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

3. Emergency stationary RICE located at area sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in condition 7.1.7.c.2. Except as provided in conditions 7.1.7.c.4.i. and 7.1.7.c.4.ii., the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

   i. Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or non-emergency demand response to generate income for a facility, or to otherwise supply power as part of a financial arrangement with another entity if the engine is operated

as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution system.

ii. The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

A. The engine is dispatched by the local balancing authority or local transmission and distribution system operator.

B. The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

C. The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

D. The power is provided only to the facility itself or to support the local transmission and distribution system.

E. The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

[40CFR§ 63.6605; 40CFR§§ 63.6640(a), (b), (f)(1), (f)(2), and (f)(4); 45CSR34]

7.2. Monitoring Requirements

7.2.1. None

7.3. Testing Requirements

7.3.1. None

7.4. Recordkeeping Requirements

7.4.1. The permittee must keep the records required in Table 6 of 40 CFR 63, Subpart ZZZZ to show continuous compliance with each emission or operating limitation that applies to this facility.
[40CFR§ 63.6655(d) and 45CSR34]

7.4.2. The permittee must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to the permittee's own maintenance plan.
[40CFR§ 63.6655(e) and 45CSR34]

7.4.3. The permittee must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-

emergency operation. If the engine is used for the purposes specified in 40CFR§ 63.6640(f)(2)(ii) or (iii) or §63.6640(f)(4)(ii), the permittee must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes.
[40CFR§ 63.6655(f) and 45CSR34]

7.5. Reporting Requirements

7.5.1. None

7.6. Compliance Plan

7.6.1. None

8.0 NSPS Subpart JJJJ Requirements [emission point ID(s): Engine #2 and Engine #3]

8.1. Limitations and Standards

8.1.1. The permittee must comply with the emission standards in 40CFR§ 60.4231(a) for each stationary SI ICE.
[40CFR§ 60.4233(a) and 45CSR16]

8.1.2. The permittee must meet emission standards and related requirements for nonhandheld engines under 40 CFR part 1054.
[40CFR§ 60.4231(a) and 45CSR16]

8.1.3. The permittee must operate and maintain each stationary SI ICE that achieve the emission standards as required in 40CFR§ 60.4233 over the entire life of the engine.
[40CFR§ 60.4234 and 45CSR16]

8.1.4. If the permittee operates and maintains the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, the permittee must keep records of conducted maintenance to demonstrate compliance, but no performance testing is required if the permittee is an owner or operator. The permittee must also meet the requirements as specified in 40 CFR part 1068, subparts A through D, as applicable. If the permittee adjusts engine settings according to and consistent with the manufacturer's instructions, the stationary SI internal combustion engine will not be considered out of compliance.

[40CFR§§ 60.4243(a)(1); 45CSR16]

8.1.5. The permittee shall comply with the general provisions of 40 CFR part 60, as outlined in Table 3 of 40 CFR 60, Subpart JJJJ.
[40CFR§ 60.4246 and 45CSR16]

8.1.6. Compliance with 40 CFR 60, Subpart JJJJ satisfies 40 CFR 63, Subpart ZZZZ applicability.
[40CFR§ 63.6590(c) and 45CSR34]

8.2. Monitoring Requirements

8.2.1. None

8.3. Testing Requirements

8.3.1. None

8.4. Recordkeeping Requirements

8.4.1. The permittee must keep records of the following information:

a. All notifications submitted to comply with this 40 CFR 60 subpart JJJJ and all documentation supporting any notification.

b. Maintenance conducted on the engine.

c. If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, as applicable.

[40CFR§ 60.4245(a) and 45CSR16]

8.5. Reporting Requirements

8.5.1. None

8.6. Compliance Plan

8.6.1. None