west virginia department of environmental protection

Division of Air Quality
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Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

October 19, 2015

CERTIFIED MAIL
91 7199 9991 7034 1380 3342

Mr. Don Wicburg, Vice President and General Manager
Williams Ohio Valley Midstream, LLC
Park Place Corporate Center 2
2000 Commerce Drive
Pittsburgh, PA 15275

RE: **Permit Issuance**
Williams Ohio Valley Midstream, LLC
Moundsville Fractionation Plant
Permit No. R13-2892D
Plant ID No. 051-00141

Dear Mr. Wicburg:

Your application for a permit as required by Section 5 of 45CSR13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permit, General Permit, and Procedures for Evaluation" has been approved. The enclosed permit R13-2892D is hereby issued pursuant to Subsection 5.7 of 45CSR13. Please be aware of the notification requirements in the permit which pertain to commencement of construction, modification, or relocation activities; startup of operations; and suspension of operations.

The source is subject to 45CSR30. Changes authorized by this permit must also be incorporated into the facility's Title V operating permit or permit application. Commencement date of any operation authorized by this permit shall be determined by the appropriate timing limitations associated with Title V permit revisions per 45CSR30.

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.

Should you have any questions or comments, please contact me at (304) 926-0499, extension 1219.

Sincerely,

Joe Kessler, PE
Engineer

Enclosures

West Virginia Department of Environmental Protection

Earl Ray Tomblin
Governor

Division of Air Quality

Randy C. Huffman
Cabinet Secretary

Permit to Modify

R13- 2892D

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§22-5-1 et seq.) and 45 C.S.R. 13 – Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the above-referenced facility is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Issued to:

Williams Ohio Valley Midstream, LLC
Moundsville Fractionation Plant
051-00141

William F. Durham
Director

Issued: October 19, 2014

This permit will supercede and replace R13-2892C issued on May 28, 2013.

Facility Location:	Moundsville, Marshall County, West Virginia
Mailing Address:	200 Caiman Drive, Moundsville, WV 26041
Facility Description:	Natural Gas Liquids Fractionation Facility
SIC Codes:	1321
NAICS Codes:	211112
UTM Coordinates:	517.347 km Easting • 4418.11 km Northing • Zone 17
Latitude/Longitude:	39.91290/-80.79700
Permit Type:	Modification
Description of Change:	Request to: (1) modify fugitive emissions based on various changes to components in gas and liquid service, (2) modify the capacity of natural gasoline tanks, and (3) increase waste gas volume sent to the flare.

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.

The source is subject to 45CSR30. Changes authorized by this permit must also be incorporated into the facility's Title V operating permit or permit application. Commencement date of any operation authorized by this permit shall be determined by the appropriate timing limitations associated with Title V permit revisions per 45CSR30.

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1.0. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year(s) Installed	Design Capacity	Control Device
1S	n/a	Fractionation Plant 1 (Fugitives Only)	2011	12,500 BPD	None
		Fractionation Plant 2 (Fugitives Only)	2013	30,000 BPD	
2S	TLO	Product Loading/Unloading	2011/ 2013	58,200 BPD	FL-02
3S	n/a	Stabilized Condensate Tanks	2014	3 tanks @ 90,000 gallons	Pressure Vessels
		NGL Accumulation Tanks	2011	6 tanks @ 61,400 gallons	Pressure Vessels
			2013	6 tanks @ 90,000 gallons	
		Propane Accumulation Tanks	2011	2 tanks @ 114,000 gallons	Pressure Vessels
				4 tanks @ 90,000 gallons	
			2013	2 tanks @ 420,000 gallons	
				1 tank @ 90,000 gallons	
		Butane Accumulation Tanks	2011	2 tanks @ 140,000 gallons	Pressure Vessels
			2013	3 tanks @ 210,000 gallons	
		Natural Gasoline Accumulation Tanks	2011/ 2013	2 tanks @ 60,000 gallons	Pressure Vessels
				1 tank @ 90,000 gallons	
			2013	2 tanks @ 454,000 gallons	FL-02
1-HTR	1E	Hot Oil Heater	2011	45.54 MMBTU/hr	None
2-HTR	2E	Hot Oil Heaters (2)	2013	89.85 MMBTU/hr (each)	None
5S	5E	Flare Pilot Light	2013	0.24 MMBTU/hr	None
		Flare Waste Gas Combustion		28,000 lb/hr	
7S	n/a	Miscellaneous Equipment Leaks	2011	n/a	n/a

1.1. Control Devices

Emission Units/Sources	Pollutant	Control Device	Control Efficiency
Stabilized Condensate Hose Blowdown; Product Loading/Hose Blowdown; Natural Gasoline Tanks w/Butane Blankets; NGL Pig Receiver Blowdowns (250 Events/year); Hot Oil Expansion Tanks (Fuel/Purge Gas); Rail Car Degassing (50% C3/C4 + 50% Natural Gasoline); Off-Spec Product Flaring (Inlet NGL); Continuous Flare Purge (Fuel/Purge Gas); and Continuous Flare Pilot (Fuel/Purge Gas).	VOCs	Flare (FL-02)	99.0 %
	Total HAPS		99.0 %

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.

2.2. Acronyms

CAAA	Clean Air Act Amendments
CBI	Confidential Business Information
CEM	Continuous Emission Monitor
CES	Certified Emission Statement
C.F.R. *or* CFR	Code of Federal Regulations
CO	Carbon Monoxide
C.S.R. *or* CSR	Codes of State Rules
DAQ	Division of Air Quality
DEP	Department of Environmental Protection
dscm	Dry Standard Cubic Meter
FOIA	Freedom of Information Act
HAP	Hazardous Air Pollutant
HON	Hazardous Organic NESHAP
HP	Horsepower
lbs/hr	Pounds per Hour
LDAR	Leak Detection and Repair
M	Thousand
MACT	Maximum Achievable Control Technology
MDHI	Maximum Design Heat Input
MM	Million
MMBtu/hr *or* mmbtu/hr	Million British Thermal Units per Hour
MMCF/hr *or* mmcf/hr	Million Cubic Feet per Hour
NA	Not Applicable
NAAQS	National Ambient Air Quality Standards
NESHAPS	National Emissions Standards for Hazardous Air Pollutants
NO_X	Nitrogen Oxides
NSPS	New Source Performance Standards
PM	Particulate Matter
$PM_{2.5}$	Particulate Matter less than 2.5 µm in diameter
PM_{10}	Particulate Matter less than 10µm in diameter
Ppb	Pounds per Batch
Pph	Pounds per Hour
Ppm	Parts per Million
Ppm_V or ppmv	Parts per Million by Volume
PSD	Prevention of Significant Deterioration
Psi	Pounds per Square Inch
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO_2	Sulfur Dioxide
TAP	Toxic Air Pollutant
TPY	Tons per Year
TRS	Total Reduced Sulfur
TSP	Total Suspended Particulate
USEPA	United States Environmental Protection Agency
UTM	Universal Transverse Mercator
VEE	Visual Emissions Evaluation
VOC	Volatile Organic Compounds
VOL	Volatile Organic Liquids

2.3. Authority

This permit is issued in accordance with West Virginia air pollution control law W.Va. Code §§ 22-5-1. et seq. and the following Legislative Rules promulgated thereunder:

2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation*;

2.4. Term and Renewal

2.4.1. This permit supersedes and replaces previously issued Permit R13-2892C. This Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any other applicable legislative rule;

2.5. Duty to Comply

2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-2892D and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;
[45CSR§§13-5.11 and -10.3.]

2.5.2. 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;

2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;

2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e., local, state, and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

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 administratively updating, modifying, revoking, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records 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.

2.7. Duty to Supplement and Correct Information

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.

2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-4.]

2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-5.4.]

2.10 Major Permit Modification

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.
[45CSR§13-5.1]

2.11. Inspection and Entry

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.

2.12. Emergency

2.12.1. An "emergency" means any situation arising from sudden and reasonable 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.

2.12.2. 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 Section 2.12.3 are met.

2.12.3. 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. 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 must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

2.12.5 The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

2.13. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it should 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.

2.14. Suspension of Activities

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

2.15. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

2.16. Severability

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

2.17. Transferability

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13. **[45CSR§13-10.1.]**

2.18. Notification Requirements

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.19. Credible Evidence

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 defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency 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, suffer, allow or permit 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.
[40CFR§61.145(b) and 45CSR§34]

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. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]

3.1.6. **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.]

3.2. Monitoring Requirements

[Reserved]

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 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as 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. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.

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 sixty (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; and,
    3. A statement of compliance or noncompliance with each permit or rule condition.

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

3.4. Recordkeeping Requirements

3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports, and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.

3.4.2. **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§4. *State Enforceable Only.*]

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.

3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.

3.5.3. **Correspondence.** 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, or mailed first class 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
Charleston, WV 25304-2345

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. **Operating Fee**

3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, 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. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made

immediately available for inspection by the Secretary or his/her duly authorized representative.

3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

4.1.1. **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.

4.1.2. **Minor Source of Hazardous Air Pollutants (HAP).** HAP emissions from the facility shall not exceed 10 tons/year of any single HAP and 25 tons/year of any combination of HAPs. Compliance with this Section shall ensure that the facility is a minor HAP source.

4.1.3. **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.]

4.1.4. **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.

5.0. Source-Specific Requirements (Hot Oil Heater (1E), Hot Oil Heaters (2E))

5.1. Limitations and Standards

5.1.1. Maximum Design Heat Input. The maximum design heat input for the Hot Oil Heater (1E) shall not exceed 45.54 MMBTU/hr.

5.1.2. Maximum emissions from the 45.54 MMBTU/hr Hot Oil Heater (1E) shall not exceed the following limits:

Pollutant	Maximum Hourly Emissions (lb/hr)	Maximum Annual Emissions (ton/year)
Nitrogen Oxides	4.51	19.76
Carbon Monoxide	3.79	16.60
VOCs	0.25	1.09

5.1.3. The hourly quantity of natural gas that shall be consumed in the 45.54 MMBTU/hr Hot Oil Heater (1E) shall not exceed 45,098 standard cubic feet per hour.

5.1.4. The annual quantity of natural gas that shall be consumed in the 45.54 MMBTU/hr Hot Oil Heater (1E) shall not exceed 395.06 x 10^6 standard cubic feet per year.

5.1.5. Maximum Design Heat Input. The maximum design heat input for each of the two (2) Hot Oil Heaters (2E) shall not exceed 89.85 MMBTU/hr.

5.1.6. Maximum emissions from the two (2) 89.85 MMBTU/hr Hot Oil Heaters (2E) shall not exceed the following limits:

Pollutant	Maximum Hourly Emissions (lb/hr) EACH UNIT	Maximum Annual Emissions (ton/year) BOTH UNITS COMBINED
Nitrogen Oxides	3.23	17.03
Carbon Monoxide	6.65	35.00
VOCs	0.36	1.89

5.1.7. The hourly quantity of natural gas that shall be consumed in each of the two (2) 89.85 MMBTU/hr Hot Oil Heaters (2E) shall not exceed 90,392 standard cubic feet per hour.

5.1.8. The annual quantity of natural gas that shall be consumed in both of the two (2) 89.85 MMBTU/hr Hot Oil Heaters (2E) shall not exceed 952 x 10^6 standard cubic feet per year.

5.1.9. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.
[45CSR§2-3.1.]

5.1.10. The permitted facility shall comply with all applicable provisions of 40CFR60 Subpart Dc, provided that compliance with any more stringent limitation set forth under this permit shall also be demonstrated. Recordkeeping and reporting requirements shall be conducted in accordance with §60.48c.

5.2. Monitoring Requirements

5.2.1. At such reasonable times as the Secretary may designate, the permittee shall conduct Method 9 emission observations for the purpose of demonstrating compliance with Section 5.1.9. Method 9 shall be conducted in accordance with 40 CFR 60 Appendix A.

5.3. Testing Requirements

5.3.1. Compliance with the visible emission requirements of section 5.1.9 shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9 or by using measurements from continuous opacity monitoring systems approved by the Director. The Director may require the installation, calibration, maintenance and operation of continuous opacity monitoring systems and may establish policies for the evaluation of continuous opacity monitoring results and the determination of compliance with the visible emission requirements of section 5.1.9. Continuous opacity monitors shall not be required on fuel burning units which employ wet scrubbing systems for emission control.
[45CSR§2-3.2.]

5.4. Recordkeeping Requirements

5.4.1. To demonstrate compliance with sections 5.1.1-5.1.8, the permittee shall maintain a monthly record of the amount of natural gas consumed in the 45.54 MMBTU/hr Hot Oil Heater (1E) and the two (2) 89.85 MMBTU/hr Hot Oil Heaters (2E). Compliance with the maximum throughput limitation shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the monthly throughput at any given time during the previous twelve consecutive calendar months. Said records shall be maintained on site or in a readily accessible off-site location maintained by the permittee for a period of five (5) years. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.

5.4.2. Except as provided under paragraphs (g)(2) and (g)(3) of this section, the owner or operator of each affected facility shall record and maintain records of the amount of each fuel combusted during each operating day.
[40CFR§60.48(c)(g)(1)]

5.4.3. As an alternative to meeting the requirements of paragraph (g)(1) of this section, the owner or operator of an affected facility that combusts only natural gas, wood, fuels using fuel certification in §60.48c(f) to demonstrate compliance with the SO_2 standard, fuels not subject to an emissions standard (excluding opacity), or a mixture of these fuels may elect to record and maintain records of the amount of each fuel combusted during each calendar month.
[40CFR§60.48 (c)(g)(2)]

5.4.4. As an alternative to meeting the requirements of paragraph (g)(1) of this section, the owner or operator of an affected facility or multiple affected facilities located on a contiguous property unit where the only fuels combusted in any steam generating unit (including steam generating units not subject to this subpart) at that property are natural gas, wood, distillate oil meeting the most current requirements in §60.42C to use fuel certification to demonstrate compliance with the SO2standard, and/or fuels, excluding coal and residual oil, not subject to an emissions standard

(excluding opacity) may elect to record and maintain records of the total amount of each steam generating unit fuel delivered to that property during each calendar month.
[40CFR§60.48(c)(g)(3)]

5.5. Reporting Requirements

5.5.1. The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction and actual startup, as provided by §60.7 of this part. This notification shall include:

1. The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.

2. If applicable, a copy of any federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under §60.42c, or §60.43c.

3. The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

4. Notification if an emerging technology will be used for controlling SO_2 emissions. The Administrator will examine the description of the control device and will determine whether the technology qualifies as an emerging technology. In making this determination, the Administrator may require the owner or operator of the affected facility to submit additional information concerning the control device. The affected facility is subject to the provisions of §60.42c(a) or (b)(1), unless and until this determination is made by the Administrator.

[40CFR§60.48c(a)]

5.5.2. The reporting period for the reports required under this subpart is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period.
[40CFR§60.48c(j)]

6.0. Source-Specific Requirements (Flare Control Device (FL-02), 5S)

6.1. Limitations and Standards

6.1.1. In accordance with information in permit application R13-2892D, the permittee shall install and operate a Flare (5S) designed to achieve, at a minimum, a 99.0% destruction and removal efficiency (DRE) of VOCs and organic HAPS from the following sources:

Stabilized Condensate Hose Blowdown;
Product Loading/Hose Blowdown;
Natural Gasoline Tanks w/Butane Blankets;
NGL Pig Receiver Blowdowns (250 Events/year);
Hot Oil Expansion Tanks (Fuel/Purge Gas);
Rail Car Degassing (50% C3/C4 + 50% Natural Gasoline);
Off-Spec Product Flaring (Inlet NGL);
Continuous Flare Purge (Fuel/Purge Gas); and
Continuous Flare Pilot (Fuel/Purge Gas).

6.1.2. The maximum aggregate emissions generated at the Flare (5S) from the combustion of waste gases and the pilot light shall not exceed the following limits:

Pollutant	Maximum Hourly Emissions (lb/hr)	Maximum Annual Emissions (ton/year)
Nitrogen Oxides	85.56	42.31
Carbon Monoxide	170.81	84.46

6.1.3. The maximum emissions of VOCs and HAPs at the flare (representing un-combusted pass-through organic vapors that are generated at one of the sources identified under 6.1.1.) shall not exceed the following limits:

Pollutant	Maximum Hourly Emissions (lb/hr)	Maximum Annual Emissions (ton/year)
VOCs	280.00	140.06
Benzene	*0.19*	*0.10*
Ethylbenzene	*0.09*	*0.05*
n-Hexane	*11.23*	*5.83*
Toluene	*0.52*	*0.27*
2,2,4-TMP	*0.39*	*0.20*
Xylenes	*1.86*	*0.96*
Total HAPs	14.32	7.43

6.1.4. The maximum aggregate amount of waste gases sent to the Flare (5S) from the sources identified under 6.1.1. shall not exceed 192.66 mmscf/yr.

6.1.5. The installed Flare (5S) shall be a Zeeco Model Number AFTA-24/56, shall have a maximum waste-gas capacity of 28,000 lb/hr, shall have an MDHI of 620 mmBtu/hr, and shall be designed and operated in accordance with the following:

a. Flare shall be air-assisted.

b. Flare shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

c. Flare shall be operated, with a flame present at all times whenever emissions may be vented to them, except during SSM (Startup, Shutdown, Malfunctions) events.

d. A flare shall be used only where the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or where the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flares is non-assisted. The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K\sum_{i=1}^{n} C_i H_i$$

Where:

H_T=Net heating value of the sample, MJ/scm; where the net enthalpy per mole of off gas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C.

K=Constant=

$$1.740\times10^{-7}\left(\frac{1}{ppmv}\right)\left(\frac{\text{g-mole}}{\text{scm}}\right)\left(\frac{\text{MJ}}{\text{kcal}}\right)$$

where the standard temperature for (g-mole/scm) is 20 °C.
C_i=Concentration of sample component i in ppmv on a wet basis, which may be measured for organics by Test Method 18, but is not required to be measured using Method 18 (unless designated by the Director).
H_i=Net heat of combustion of sample component i, kcal/g-mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382–76 or 88 or D4809–95 if published values are not available or cannot be calculated.
n=Number of sample components.

e. Air-assisted flares shall be designed and operated with an exit velocity less than the velocity V_{max}. The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation:

$$V_{max}=8.71 + 0.708(H_T)$$

Where:

V_{max}=Maximum permitted velocity, m/sec.
8.71=Constant.
0.708=Constant.
H_T=The net heating value as determined in 6.1.3.d.

f. The flare shall be operated within the guidelines given in the Zeeco Operating Manual and a copy of which shall be kept permanently on-site and shall be made available upon request to the Director or his/her representative.

6.1.6. The permittee is not required to conduct a flare compliance assessment for concentration of sample (i.e. Method 18) and tip velocity (i.e. Method 2) until such time as the Director requests a flare compliance assessment to be conducted in accordance with section 6.3.2, but the permittee is required to conduct a flare design evaluation in accordance with section 6.4.2. Alternatively, the

permittee may elect to demonstrate compliance with the flare design criteria requirements of section 6.1.5 by complying with the compliance assessment testing requirements of section 6.3.2.

6.2. Monitoring and Compliance Demonstration Requirements

6.2.1. In order to demonstrate compliance with the requirements of 6.1.5.c, the permittee shall monitor the presence or absence of a flare pilot flame using a thermocouple or any other equivalent device, except during SSM events.

6.2.2. In order to determine compliance with the 6.1.4., the permittee shall monitor and record the monthly and rolling twelve (12) month total aggregate waste gases sent to the flare (in mmscf) from the sources identified under 6.1.1.

6.3. Testing Requirements

6.3.1. In order to demonstrate compliance with the flare opacity requirements of 6.1.5.b the permittee shall conduct a Method 22 opacity test for at least two hours. This test shall demonstrate no visible emissions are observed for more than a total of 5 minutes during any 2 consecutive hour period using 40CFR60 Appendix A Method 22. The permittee shall conduct this test within one (1) year of permit issuance or initial startup whichever is later. The visible emission checks shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40 CFR part 60, appendix A, Method 22.

6.3.2. The Director may require the permittee to conduct a flare compliance assessment to demonstrate compliance with section 6.1.5. This compliance assessment testing shall be conducted in accordance with appropriate test methods or other equivalent testing as approved in writing by the Director.

6.4. Recordkeeping Requirements

6.4.1. For the purpose of demonstrating compliance with section 6.1.5.c and 6.2.1, the permittee shall maintain records of the times and duration of all periods which the pilot flame was absent.

6.4.2 For the purpose of demonstrating compliance with section 6.1.5 and 6.3.2, the permittee shall maintain a record of the flare design evaluation. The flare design evaluation shall include, net heat value calculations, exit (tip) velocity calculations, and all supporting concentration calculations and other related information requested by the Director.

6.4.3 For the purpose of demonstrating compliance with the requirements set forth in sections 6.1.5, the permittee shall maintain records of testing conducted in accordance with 6.3.2.

6.4.4. The permittee shall document and maintain the corresponding records specified by the on-going monitoring requirements of 6.2.

6.4.5. For the purpose of demonstrating compliance with section 6.1.5.b, the permittee shall maintain records of the visible emission opacity tests conducted per Section 6.3.1.

6.4.6. All records required under Section 6.3 and 6.4 shall be maintained on site or in a readily accessible off-site location maintained by the permittee for a period of five (5) years. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.

6.5. Reporting Requirements

6.5.1 If permittee is required by the Director to demonstrate compliance with section 6.3.2, then the permittee shall submit a testing protocol at least thirty (30) days prior to testing and shall submit a notification of the testing date at least fifteen (15) days prior to testing. The permittee shall submit the testing results within sixty (60) days of testing and provide all supporting calculations and testing data.

6.5.2. Any deviation(s) from the allowable visible emission requirement for any emission source discovered during observations using 40CFR Part 60, Appendix A, Method 9 or 22 shall be reported in writing to the Director of the Division of Air Quality as soon as practicable, but in any case within ten (10) calendar days of the occurrence and shall include at least the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.

6.5.3. Any deviation(s) from the flare design and operation criteria in Section 6.1.5 shall be reported in writing to the Director of the Division of Air Quality as soon as practicable, but in any case within ten (10) calendar days of discovery of such deviation.

7.0. Source-Specific Requirements (40CFR60 Subpart OOOO Requirements, Product Loading Area, Gas Processing Plants Fugitives)

7.1. Limitations and Standards

7.1.1. Maximum Throughput Limitation. The maximum NGL processed through the Fractionation Plant 1 (1S) shall not exceed 525,000 gallons per day and 191,625,000 gallons per year. The maximum NGL processed through the Fractionation Plant 2 (1S) shall not exceed 1,260,000 gallons per day and 459,900,000 gallons per year.

7.1.2. The Product Loading Area (2S) at the Fractionating Processing Plant shall be operated in accordance with the plans and specifications filed in Permit Application R13-2892D. The rail and truck loading area will route all vapors to the flare for combustion.

7.1.3. Fugitive emissions of VOCs from equipment leaks at the facility, as calculated from emissions factors taken from Table 2-4 of EPA-453/R-95-017 - "Protocol for Equipment Leak Emission Estimates," shall not exceed 69.03 TPY. Continuing compliance with this limit shall be determined by the following: The permittee shall not exceed the number and type of components (valves, pump seals, connectors, etc.) in gas/vapor or light liquid (as applicable) listed in Attachment N of Permit Application R13-2892D.

7.1.4. What equipment leak standards apply to affected facilities at an onshore natural gas processing plant?

This section applies to the group of all equipment, except compressors, within a process unit.

a. You must comply with the requirements of §§ 60.482-1a(a), (b), and (d), 60.482-2a, and 60.482-4a through 60.482-11a, except as provided in § 60.5401.

b. You may elect to comply with the requirements of §§ 60.483-1a and 60.483-2a, as an alternative.

c. You may apply to the Administrator for permission to use an alternative means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to that achieved by the controls required in this subpart according to the requirements of § 60.5402 of this subpart.

d. You must comply with the provisions of § 60.485a of this part except as provided in paragraph (f) of this section.

e. You must comply with the provisions of §§ 60.486a and 60.487a of this part except as provided in §§ 60.5401, 60.5421, and 60.5422 of this part.

f. You must use the following provision instead of § 60.485a(d)(1): Each piece of equipment is presumed to be in VOC service or in wet gas service unless an owner or operator demonstrates that the piece of equipment is not in VOC service or in wet gas service. For a piece of equipment to be considered not in VOC service, it must be determined that the VOC content can be reasonably expected never to exceed 10.0 percent by weight. For a piece of equipment to be considered in wet gas service, it must be determined that it contains or contacts the field gas before the extraction step in the process. For purposes of determining the percent VOC content of the process fluid that is contained in or contacts a piece of equipment, procedures that conform to the methods described in ASTM E169-93, E168-92, or E260-96 (incorporated by reference as specified in § 60.17) must be used.

[40CFR§60.5400, Onshore Natural Gas Processing Plant]

7.1.5. What are the exceptions to the equipment leak standards for affected facilities at onshore natural gas processing plants?

a. You may comply with the following exceptions to the provisions of § 60.5400(a) and (b).

b. 1. Each pressure relief device in gas/vapor service may be monitored quarterly and within 5 days after each pressure release to detect leaks by the methods specified in § 60.485a(b) except as provided in § 60.5400(c) and in paragraph (b)(4) of this section, and § 60.482-4a(a) through (c) of subpart VVa.

2. If an instrument reading of 500 ppm or greater is measured, a leak is detected.

3. i. When a leak is detected, it must be repaired as soon as practicable, but no later than 15 calendar days after it is detected, except as provided in § 60.482-9a.

ii. A first attempt at repair must be made no later than 5 calendar days after each leak is detected.

4. i. Any pressure relief device that is located in a nonfractionating plant that is monitored only by non-plant personnel may be monitored after a pressure release the next time the monitoring personnel are on-site, instead of within 5 days as specified in paragraph (b)(1) of this section and § 60.482-4a(b)(1) of subpart VVa.

ii. No pressure relief device described in paragraph (b)(4)(i) of this section must be allowed to operate for more than 30 days after a pressure release without monitoring.

c. Sampling connection systems are exempt from the requirements of § 60.482-5a.

d. Pumps in light liquid service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service that are located at a nonfractionating plant that does not have the design capacity to process 283,200 standard cubic meters per day (scmd) (10 million standard cubic feet per day) or more of field gas are exempt from the routine monitoring requirements of §§ 60.482-2a(a)(1) and 60.482-7a(a), and paragraph (b)(1) of this section.

e. Pumps in light liquid service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service within a process unit that is located in the Alaskan North Slope are exempt from the routine monitoring requirements of §§ 60.482-2a(a)(1), 60.482-7a(a), and paragraph (b)(1) of this section.

f. An owner or operator may use the following provisions instead of § 60.485a(e):

1. Equipment is in heavy liquid service if the weight percent evaporated is 10 percent or less at 150 °C (302 °F) as determined by ASTM Method D86-96 (incorporated by reference as specified in § 60.17).

2. Equipment is in light liquid service if the weight percent evaporated is greater than 10 percent at 150 °C (302 °F) as determined by ASTM Method D86-96 (incorporated by reference as specified in § 60.17).

g. An owner or operator may use the following provisions instead of § 60.485a(b)(2): A calibration drift assessment shall be performed, at a minimum, at the end of each monitoring day. Check the instrument using the same calibration gas(es) that were used to calibrate the instrument before use. Follow the procedures specified in Method 21 of appendix A-7 of this part, Section 7.1, except do not adjust the meter readout to correspond to the calibration gas value. Record the instrument reading for each scale used as specified in § 60.486a(e)(8). Divide these readings by the initial calibration values for each scale and multiply by 100 to

express the calibration drift as a percentage. If any calibration drift assessment shows a negative drift of more than 10 percent from the initial calibration value, then all equipment monitored since the last calibration with instrument readings below the appropriate leak definition and above the leak definition multiplied by (100 minus the percent of negative drift/divided by 100) must be re-monitored. If any calibration drift assessment shows a positive drift of more than 10 percent from the initial calibration value, then, at the owner/operator's discretion, all equipment since the last calibration with instrument readings above the appropriate leak definition and below the leak definition multiplied by (100 plus the percent of positive drift/divided by 100) may be re-monitored.

[40CFR§60.5401, Onshore Natural Gas Processing Plant]

7.1.6. What are the alternative emission limitations for equipment leaks from onshore natural gas processing plants?

a. If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in VOC emissions at least equivalent to the reduction in VOC emissions achieved under any design, equipment, work practice or operational standard, the Administrator will publish, in the Federal Register, a notice permitting the use of that alternative means for the purpose of compliance with that standard. The notice may condition permission on requirements related to the operation and maintenance of the alternative means.

b. Any notice under paragraph (a) of this section must be published only after notice and an opportunity for a public hearing.

c. The Administrator will consider applications under this section from either owners or operators of affected facilities, or manufacturers of control equipment.

d. The Administrator will treat applications under this section according to the following criteria, except in cases where the Administrator concludes that other criteria are appropriate:

1. The applicant must collect, verify and submit test data, covering a period of at least 12 months, necessary to support the finding in paragraph (a) of this section.

2. If the applicant is an owner or operator of an affected facility, the applicant must commit in writing to operate and maintain the alternative means so as to achieve a reduction in VOC emissions at least equivalent to the reduction in VOC emissions achieved under the design, equipment, work practice or operational standard.

[40CFR§60.5402, Onshore Natural Gas Processing Plant]

7.2. Initial Compliance Demonstration

7.2.1. You must determine initial compliance with the standards for each affected facility using the requirements in paragraph (f) of this section. The initial compliance period begins on October 15, 2012 or upon initial startup, whichever is later, and ends no later than one year after the initial startup date for your affected facility or no later than one year after October 15, 2012. The initial compliance period may be less than one full year.

f. For affected facilities at onshore natural gas processing plants, initial compliance with the VOC requirements is demonstrated if you are in compliance with the requirements of § 60.5400.

[40CFR§60.5410]

7.3. Continuous Compliance Demonstration

7.3.1. For affected facilities at onshore natural gas processing plants, continuous compliance with VOC requirements is demonstrated if you are in compliance with the requirements of § 60.5400.

7.3.2. Affirmative defense for violations of emission standards during malfunction. In response to an action to enforce the standards set forth in §§ 60.5375, you may assert an affirmative defense to a claim for civil penalties for violations of such standards that are caused by malfunction, as defined at § 60.2. Appropriate penalties may be assessed, however, if you fail to meet your burden of proving all of the requirements in the affirmative defense. The affirmative defense shall not be available for claims for injunctive relief.

(1) To establish the affirmative defense in any action to enforce such a standard, you must timely meet the reporting requirements in § 60.5420(a), and must prove by a preponderance of evidence that:

(i) The violation:

(A) Was caused by a sudden, infrequent, and unavoidable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner; and

(B) Could not have been prevented through careful planning, proper design or better operation and maintenance practices; and

(C) Did not stem from any activity or event that could have been foreseen and avoided, or planned for; and

(D) Was not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(ii) Repairs were made as expeditiously as possible when a violation occurred. Off-shift and overtime labor were used, to the extent practicable to make these repairs; and

(iii) The frequency, amount and duration of the violation (including any bypass) were minimized to the maximum extent practicable; and

(iv) If the violation 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; and

(v) All possible steps were taken to minimize the impact of the violation on ambient air quality, the environment and human health; and

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

(vii) All of the actions in response to the violation were documented by properly signed, contemporaneous operating logs; and

(viii) At all times, the affected source was operated in a manner consistent with good practices for minimizing emissions; and

(ix) A written root cause analysis has been prepared, the purpose of which is to determine, correct, and eliminate the primary causes of the malfunction and the violation resulting from the malfunction event at issue. The analysis shall also specify, using best monitoring methods and engineering judgment, the amount of any emissions that were the result of the malfunction.

(2) Report. The owner or operator seeking to assert an affirmative defense shall submit a written report to the Administrator with all necessary supporting documentation, that it has met the requirements set forth in paragraph (h)(1) of this section. This affirmative defense report shall be included in the first periodic compliance, deviation report or excess emission report otherwise required after the initial occurrence of the violation of the relevant standard (which may be the end of any applicable averaging period). If such compliance, deviation report or excess emission report is due less than 45 days after the initial occurrence of the violation, the affirmative defense report may be included in the second compliance, deviation report or excess emission report due after the initial occurrence of the violation of the relevant standard.
[40CFR§60.5415]

7.4. Notification, Recordkeeping and Reporting Requirements

7.4.1. You must submit the notifications required in § 60.7(a)(1) and (4), and according to the paragraph below, if you own or operate one or more of the affected facilities specified in § 60.5365 that was constructed, modified, or reconstructed during the reporting period.

(1) (i) If you own or operate a gas well affected facility, you must submit a notification to the Administrator no later than 2 days prior to the commencement of each well completion operation listing the anticipated date of the well completion operation. The notification shall include contact information for the owner or operator; the API well number, the latitude and longitude coordinates for each well in decimal degrees to an accuracy and precision of five (5) decimals of a degree using the North American Datum of 1983; and the planned date of the beginning of flowback. You may submit the notification in writing or in electronic format.

(ii) If you are subject to state regulations that require advance notification of well completions and you have met those notification requirements, then you are considered to have met the advance notification requirements of paragraph (a)(2)(i) of this section.

7.4.2. Reporting requirements. You must submit annual reports containing the information specified in paragraph (b)(1) of this section to the Administrator and performance test reports as specified in paragraph (b)(7) of this section. The initial annual report is due 30 days after the end of the initial compliance period as determined according to § 60.5410. Subsequent annual reports are due on the same date each year as the initial annual report. If you own or operate more than one affected facility, you may submit one report for multiple affected facilities provided the report contains all of the information required as specified in paragraphs (b)(1) through (6) of this section. Annual reports may coincide with title V reports as long as all the required elements of the annual report are included. You may arrange with the Administrator a common schedule on which reports required by this part may be submitted as long as the schedule does not extend the reporting period.

(1) The general information specified in paragraphs (b)(1)(i) through (iv) of this section.

(i) The company name and address of the affected facility.

(ii) An identification of each affected facility being included in the annual report.

(iii) Beginning and ending dates of the reporting period.

(iv) A certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

7.4.3. What are my additional recordkeeping requirements for my affected facility subject to VOC requirements for onshore natural gas processing plants?

a. You must comply with the requirements of paragraph (b) of this section in addition to the requirements of § 60.486a.

b. The following recordkeeping requirements apply to pressure relief devices subject to the requirements of § 60.5401(b)(1) of this subpart.

1. When each leak is detected as specified in § 60.5401(b)(2), a weatherproof and readily visible identification, marked with the equipment identification number, must be attached to the leaking equipment. The identification on the pressure relief device may be removed after it has been repaired.

2. When each leak is detected as specified in § 60.5401(b)(2), the following information must be recorded in a log and shall be kept for 2 years in a readily accessible location:

i. The instrument and operator identification numbers and the equipment identification number.

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

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

iv. "Above 500 ppm" if the maximum instrument reading measured by the methods specified in paragraph (a) of this section after each repair attempt is 500 ppm or greater.

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

vi. The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a process shutdown.

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

viii. Dates of process unit shutdowns that occur while the equipment is unrepaired.

ix. The date of successful repair of the leak.

x. A list of identification numbers for equipment that are designated for no detectable emissions under the provisions of § 60.482-4a(a). The designation of equipment subject to the provisions of § 60.482-4a(a) must be signed by the owner or operator.

[40CFR§60.5421, Onshore Natural Gas Processing Plant]

7.4.5. What are my additional reporting requirements for my affected facility subject to VOC requirements for onshore natural gas processing plants?

a. You must comply with the requirements of paragraphs (b) and (c) of this section in addition to the requirements of § 60.487a(a), (b), (c)(2)(i) through (iv), and (c)(2)(vii) through (viii).

b. An owner or operator must include the following information in the initial semiannual report in addition to the information required in § 60.487a(b)(1) through (4): Number of pressure relief devices subject to the requirements of § 60.5401(b) except for those pressure relief devices designated for no detectable emissions under the provisions of § 60.482-4a(a) and those pressure relief devices complying with § 60.482-4a(c).

c. An owner or operator must include the following information in all semiannual reports in addition to the information required in § 60.487a(c)(2)(i) through (vi):

1. Number of pressure relief devices for which leaks were detected as required in § 60.5401(b)(2); and

2. Number of pressure relief devices for which leaks were not repaired as required in § 60.5401(b)(3).

[40CFR§60.5422, Onshore Natural Gas Processing Plant]

7.5. Recordkeeping Requirements

7.5.1. To demonstrate compliance with section 7.1.1 the permittee shall maintain records of the amount of liquids processed in the Product Loading Area (2S) at the Fractionation Processing Plant. Said records required shall be maintained on site or in a readily accessible off-site location maintained by the permittee for a period of five (5) years. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.

8.0. Source-Specific Requirements (40CFR60 Subpart Kb, Natural Gasoline Storage Tanks, 3S)

8.1. Applicability and Designation of Affected Facility

8.1.1. Except as provided in paragraph (b) of this section, the affected facility to which this subpart applies is each storage vessel with a capacity greater than or equal to 75 cubic meters (m^3) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984. **[§60.110b(a)]**

8.1.2. This subpart does not apply to storage vessels with a capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure less than 3.5 kilopascals (kPa) or with a capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure less than 15.0 kPa. **[§60.110b(b)]**

8.1.3. This subpart does not apply to the following: Pressure vessels designed to operate in excess of 204.9 kPa and without emissions to the atmosphere. **[§60.110b(d)(2)]**

8.2. Standard for Volatile Organic Compounds (VOC)

8.2.1. A closed vent system and control device meeting the following specifications:

(i) The closed vent system shall be designed to collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined in part 60, subpart VV, § 60.485(b).

(ii) The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements (§ 60.18) of the General Provisions. **[§60.112b(a)(3)(i)(ii)]**

8.3. Testing and Procedures

8.3.1. The owner or operator of each storage vessel as specified in § 60.112b(a) 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 § 60.112b.

(a) *Reserved;*

(b) *Reserved;*

(c) The owner or operator of each source that is equipped with a closed vent system and control device as required in § 60.112b (a)(3) or (b)(2) (other than a flare) is exempt from § 60.8 of the General Provisions and shall meet the following requirements.

(1) Submit for approval by the Administrator as an attachment to the notification required by § 60.7(a)(1) or, if the facility is exempt from § 60.7(a)(1), as an attachment to the notification required by § 60.7(a)(2), an operating plan containing the information listed below.

(i) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOC content under varying liquid level conditions (dynamic

and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuels from sources that are not designated sources under this subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816 °C is used to meet the 95 percent requirement, documentation that those conditions will exist is sufficient to meet the requirements of this paragraph.

(ii) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).

(2) Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with the operating plan submitted to the Administrator in accordance with paragraph (c)(1) of this section, unless the plan was modified by the Administrator during the review process. In this case, the modified plan applies.
[40CFR§60.113b]

8.4. Reporting and Recordkeeping requirements

8.4.1. The owner or operator of each storage vessel as specified in § 60.112b(a) 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 § 60.112b. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by (c)(1), for at least 2 years. The record required by (c)(1) will be kept for the life of the control equipment. **[§60.115b]**

8.4.2. After installing control equipment in accordance with § 60.112b (a)(3) or (b)(1) (closed vent system and control device other than a flare), the owner or operator shall keep the following records.

(1) A copy of the operating plan.
(2) A record of the measured values of the parameters monitored in accordance with § 60.113b(c)(2). **[§60.115b (c)]**

8.4.3. The owner or operator of each source that is equipped with a closed vent system and control device as required in §60.112b (a)(3) or (b)(2) (other than a flare) is exempt from §60.8 of the General Provisions and shall meet the following requirements.

(1) Submit for approval by the Administrator as an attachment to the notification required by §60.7(a)(1) or, if the facility is exempt from §60.7(a)(1), as an attachment to the notification required by §60.7(a)(2), an operating plan containing the information listed below.

(i) Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions. This documentation is to include a description of the gas stream which enters the control device, including flow and VOC content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If the control device or the closed vent capture system receives vapors, gases, or liquids other than fuels from sources that are not designated sources under this subpart, the efficiency demonstration is to include consideration of all vapors, gases, and liquids received by the closed vent capture system and control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816 °C is used to meet the 95 percent

requirement, documentation that those conditions will exist is sufficient to meet the requirements of this paragraph.

(ii) A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).

(2) Operate the closed vent system and control device and monitor the parameters of the closed vent system and control device in accordance with the operating plan submitted to the Administrator in accordance with paragraph (c)(1) of this section, unless the plan was modified by the Administrator during the review process. In this case, the modified plan applies. **[§60.113b (c)]**

8.5. Monitoring of Operations

8.5.1. The owner or operator shall keep copies of all records required by this section, except for the record required by paragraph (b) of this section, for at least 2 years. The record required by paragraph (b) of this section will be kept for the life of the source. **[§60.116b(a)]**

8.5.2. The owner or operator of each storage vessel as specified in § 60.110b(a) shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. **[§60.116b(b)]**

8.5.3. *[Reserved]*

8.5.4. Available data on the storage temperature may be used to determine the maximum true vapor pressure as determined below. **[§60.116b(e)]**

(1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service. **[§60.116b(e)(1)]**

(2) For crude oil or refined petroleum products the vapor pressure may be obtained by the following:

(i) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar-month average temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517 (incorporated by reference—see § 60.17), unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).

(ii) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa or with physical properties that preclude determination by the recommended method is to be determined from available data and recorded if the estimated maximum true vapor pressure is greater than 3.5 kPa. **[§60.116b(e)(2)]**

(3) For other liquids, the vapor pressure:

(i) May be obtained from standard reference texts, or
(ii) Determined by ASTM D2879-83, 96, or 97 (incorporated by reference—see § 60.17); or
(iii) Measured by an appropriate method approved by the Administrator; or
(iv) Calculated by an appropriate method approved by the Administrator. **[§60.116b(e)(3)]**

8.5.5. *[Reserved]*

8.5.6. The owner or operator of each vessel equipped with a closed vent system and control device meeting the specification of § 60.112b or with emissions reductions equipment as specified in 40 CFR 65.42(b)(4), (b)(5), (b)(6), or (c) is exempt from the requirements of paragraphs (c) and (d) of this section. **[§60.116b(g)]**

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature[1] (please use blue ink) _____ Responsible Official or Authorized Representative _____ Date

Name & Title (please print or type) _____ Name _____ Title

Telephone No. _____ Fax No. _____

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[1] This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

   (i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or

   (ii) the delegation of authority to such representative is approved in advance by the Director;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of U.S. EPA); or

d. The designated representative delegated with such authority and approved in advance by the Director.