West Virginia Department of Environmental Protection
Division of Air Quality

Joe Manchin, III
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Operate

Pursuant to

Title V

of the Clean Air Act

Issued to:

Ergon - West Virginia, Inc.

R30-02900008-2010

John A. Benedict
Director

Issued: February 17, 2010 • Effective: March 3, 2010
Expiration: February 17, 2015 • Renewal Application Due: August 17, 2014

Permit Number: **R30-02900008-2010**
Permittee: **Ergon - West Virginia, Inc.**
Permittee Mailing Address: **P.O. Box 356 Newell, WV 26050**

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: Newell, Hancock County, West Virginia
Facility Mailing Address: P.O. Box 356, Newell, WV 26050
Telephone Number: 304-387-4343
Type of Business Entity: Corporation
Facility Description: Petroleum Refinery
SIC Codes: 2911
UTM Coordinates: 531.25 km Easting • 4495.35 km Northing • Zone 17

Permit Writer: Bobbie Scroggie

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

Table of Contents **2**

1.0 Emission Units and Active R13, R14, and R19 Permits **5**
1.1. Emission Units 5
1.2. Active R13, R14, and R19 Permits 7

2.0 General Conditions **8**
2.1. Definitions 8
2.2. Acronyms 8
2.3. Permit Expiration and Renewal 9
2.4. Permit Actions 9
2.5. Reopening for Cause 9
2.6. Administrative Permit Amendments 10
2.7. Minor Permit Modifications 10
2.8. Significant Permit Modification 10
2.9. Emissions Trading 10
2.10. Off-Permit Changes 10
2.11. Operational Flexibility 11
2.12. Reasonably Anticipated Operating Scenarios 12
2.13. Duty to Comply 12
2.14. Inspection and Entry 12
2.15. Schedule of Compliance 13
2.16. Need to Halt or Reduce Activity not a Defense 13
2.17. Emergency 13
2.18. Federally-Enforceable Requirements 14
2.19. Duty to Provide Information 14
2.20. Duty to Supplement and Correct Information 14
2.21. Permit Shield 15
2.22. Credible Evidence 15
2.23. Severability 15
2.24. Property Rights 15
2.25. Acid Deposition Control 16

3.0 Facility-Wide Requirements **17**
3.1. Limitations and Standards 17
3.2. Monitoring Requirements 19
3.3. Testing Requirements 19
3.4. Recordkeeping Requirements 20
3.5. Reporting Requirements 21
3.6. Compliance Plan 23
3.7. Permit Shield 23

4.0 Fuel Burning Units Requirements [Boilers A, B, & C, Heaters H-101, H-102, H-201, H-500s, H-600s, H-441, H-701, H-901, and H-1101] 26
4.1. Limitations and Standards 27
4.2. Monitoring Requirements 33
4.3. Testing Requirements 35
4.4. Recordkeeping Requirements 36
4.5. Reporting Requirements 39
4.6. Compliance Plan 41

5.0 F1, T Load and OXIDIZER Requirements 42
5.1. Limitations and Standards 42
5.2. Monitoring Requirements 44
5.3. Testing Requirements 45
5.4. Recordkeeping Requirements 45
5.5. Reporting Requirements 45
5.6. Compliance Plan 45

6.0 Other Source Requirements [CDU, MLD, MEK-TOL, and DHT-FUG] 46
6.1. Limitations and Standards 46
6.2. Monitoring Requirements 46
6.3. Testing Requirements 46
6.4. Recordkeeping Requirements 46
6.5. Reporting Requirements 48
6.6. Compliance Plan 48

7.0 Tank Requirements 49
7.1. Limitations and Standards 51
7.2. Monitoring Requirements 55
7.3. Testing Requirements 59
7.4. Recordkeeping Requirements 59
7.5. Reporting Requirements 61
7.6. Compliance Plan 61

8.0 Source-Specific Requirements [Equipment Leaks] 62
8.1. Limitations and Standards 62
8.2. Monitoring Requirements 67
8.3. Testing Requirements 67
8.4. Recordkeeping Requirements 68
8.5. Reporting Requirements 70
8.6. Compliance Plan 71

9.0 Benzene Waste Operations Requirements from 40 C.F.R. Part 61 Subpart FF 72
9.1. Limitations and Standards 72
9.2. Monitoring Requirements 72
9.3. Testing Requirements 72
9.4. Recordkeeping Requirements 75
9.5. Reporting Requirements 76
9.6. Compliance Plan 77

10.0 Equipment Leak Detection and Repair Requirements 78
10.1. Limitations and Standards 78
10.2. Monitoring Requirements 79
10.3. Testing Requirements 80
10.4. Recordkeeping Requirements 80
10.5. Reporting Requirements 82
10.6. Compliance Plan 82

APPENDIX A --- 45CSR2 & 45CSR10 Monitoring Plan

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	Design Capacity	Control Device
CDU	CDU	Crude Distillation Unit	1972	730,000 bbls/mo	00A-01
001-01	H-101	CDU Atmospheric Heater; refinery fuel gas/natural gas blend or fuel oil	1972	58 MMBtu/hr	N/A
001-02	H-102	CDU Vacuum Heater; refinery fuel gas/natural gas blend or fuel oil	1972	24.8 MMBtu/hr	N/A
002-01	H-201	PDR Heater; refinery fuel gas/natural gas blend or fuel oil	1972	6.6 MMBtu/hr	N/A
003-01	MEK-TOL	Solvent Dewaxing Unit	1972	N/A	N/A
004-01	H-500S	H500 Series Heaters Unifiner/Platformer Unit; refinery fuel gas/natural gas blend	1972	67.1 MMBtu/hr	N/A
005-01	H-600S	H600 Series Heaters, ISOMAX Unit; refinery fuel gas/natural gas blend	1972	41.6 MMBtu/hr	N/A
005-02	H-441	Hydrogen Plant Heater; natural gas	1972	12.3 MMBtu/hr	N/A
006-01	H-701	VFU Heater; refinery fuel gas/natural gas blend	1983	12.1 MMBtu/hr	N/A
007-01	Boiler A	Boiler A; refinery fuel gas/natural gas blend or fuel oil	1972	159.50 MMBtu/hr	N/A
007-02	Boiler B	Boiler B; refinery fuel gas/natural gas blend or fuel oil	1972	159.50 MMBtu/hr	N/A
007-03	Boiler C	Boiler C; refinery fuel gas/natural gas blend	2000	95 MMBtu/hr	N/A
009-01	T Load	Truck Loading	1972/1998/ 2011	404.8 ~~344.6~~ MMgal/yr	00A-02
009-02	MLD	Marine Barge Loading	1972	135.49 MMgal/yr	N/A
00A-01	F1	Main/Sour Gas Flare	1972	N/A	N/A
00A-02	OXIDIZER	Thermal Oxidizer	1994/2011	17,346 MMBtu/yr	N/A
00B-01	WWT	Wastewater Treatment Plant	1972/1997	600 gpm	00A-03
00B-02	EQLEAKS	Equipment Leak Fugitives	N/A	N/A	N/A
00D-01	Dehy Htr	Dehydration Heater	1991	0.59 MMBtu/hr	N/A
00D-02	Still	Glycol Dehydration Still	1991	N/A	N/A
EPN 01	H-901	DHT Heater	2005	27.5 MMBtu/hr	N/A
EPN 03	H-1101	Hydrogen Plant Heater	2005	38.8 MMBtu/hr	N/A
00P-01	FWPUMP1	Diesel Firewater Pump at River Dock	2006	350 hp	N/A
00P-02	FWPUMP2	Diesel Firewater Pump at Boiler House	1993	350 hp	N/A
		Tanks			
4000	TK-4000	External floating roof; crude oil; mechanical shoe	1992	2,310,000 gallons	N/A
4001	TK-4001	External floating roof; crude oil; mechanical shoe	1973	2,310,000 gallons	N/A
4002	TK-4002	External floating roof; crude oil; mechanical shoe	1970	2,310,000 gallons	N/A
4003	TK-4003	External floating roof; heavy products or kerosene; mechanical shoe	1970	2,310,000 gallons	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
4004	TK-4004	External floating roof; gasoline; mechanical shoe	1971	1,050,000 gallons	N/A
4005	TK-4005	External floating roof; gasoline; mechanical shoe	1971	1,050,000 gallons	N/A
4006	TK-4006	External floating roof; gasoline; mechanical shoe	1971	1,050,000 gallons	N/A
4007	TK-4007	Fixed roof; heavy products	1971	2,310,000 gallons	N/A
4008	TK-4008	Fixed roof; heavy products	1970	1,260,000 gallons	N/A
4009	TK-4009	Fixed roof; heavy products or kerosene	1971	1,260,000 gallons	N/A
4010	TK-4010	Fixed roof; heavy products	1970	1,260,000 gallons	N/A
4011	TK-4011	Fixed roof; heavy products or kerosene	1971	1,260,000 gallons	N/A
4012	TK-4012	Internal floating roof; gasoline; mechanical shoe	1971	630,000 gallons	N/A
4013	TK-4013	Internal floating roof; gasoline; mechanical shoe	1971	630,000 gallons	N/A
4014	TK-4014	External floating roof; gasoline; mechanical shoe	1971	315,000 gallons	N/A
4015	TK-4015	External floating roof; gasoline; mechanical shoe	1971	315,000 gallons	N/A
4016	TK-4016	External floating roof; gasoline; mechanical shoe	1971	315,000 gallons	N/A
4017	TK-4017	Fixed roof; heavy products	1971	840,000 gallons	N/A
4018	TK-4018	Fixed roof; heavy products	1971/2000	704,970 gallons	N/A
4019	TK-4019	Fixed roof; heavy products	1971	704,970 gallons	N/A
4020	TK-4020	Fixed roof; heavy products	1971	840,000 gallons	N/A
4021	TK-4021	Fixed roof; heavy products	1971	840,000 gallons	N/A
4022	TK-4022	Fixed roof; heavy products	1971	571,200 gallons	N/A
4023	TK-4023	Fixed roof; heavy products	1971	571,200 gallons	N/A
4024	TK-4024	Fixed roof; heavy products	1970	840,000 gallons	N/A
4025	TK-4025	Fixed roof; heavy products	1970	840,000 gallons	N/A
4026	TK-4026	Fixed roof; heavy products	1970	840,000 gallons	N/A
4027	TK-4027	Fixed roof; heavy products	1971	840,000 gallons	N/A
4028	TK-4028	Fixed roof; heavy products	1970	210,000 gallons	N/A
4029	TK-4029	Fixed roof; heavy products	1971	65,100 gallons	N/A
4030	TK-4030	Fixed roof; heavy products	1971	65,100 gallons	N/A
4031	TK-4031	Fixed roof; heavy products	1971	315,000 gallons	N/A
4032	TK-4032	Fixed roof; heavy products	1971	315,000 gallons	N/A
4033	TK-4033	Fixed roof; heavy products	1970	315,000 gallons	N/A
4034	TK-4034	Fixed roof; heavy products	1998	840,000 gallons	N/A
4035	TK-4035	Fixed roof, heavy products	1983	840,000 gallons	N/A
4036	TK-4036	Fixed roof; heavy products	1973	315,000 gallons	N/A
4037	TK-4037	Fixed roof; heavy products	1973	315,000 gallons	N/A
4038	TK-4038	Fixed roof; heavy products	1976	840,000 gallons	N/A
4039	TK-4039	Fixed roof; heavy products	1977	1,260,000 gallons	N/A
4040	TK-4040	Fixed roof; heavy products	1978	630,000 gallons	N/A
4041	TK-4041	Fixed roof; heavy products	1973	630,000 gallons	N/A
4042	TK-4042	Fixed roof; heavy products	1978	630,000 gallons	N/A
4043	TK-4043	Fixed roof; heavy products	1978	630,000 gallons	N/A
4044	TK-4044	Fixed roof; heavy products	1982	1,260,000 gallons	N/A
4045	TK-4045	Fixed roof; heavy products	1982	630,000 gallons	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
4046	TK-4046	Fixed roof; heavy products	1982	630,000 gallons	N/A
4047	TK-4047	Fixed roof; heavy products, MTVP <3.5kPa	1986	1,260,000 gallons	N/A
4048	TK-4048	Fixed roof; heavy products	1986	504,000 gallons	N/A
4050	TK-4050	Internal floating roof; gasoline; mechanical shoe	1993	630,000 gallons	N/A
4051	TK-4051	Fixed roof; heavy products, MTVP <3.5kPa	1996	1,260,000 gallons	N/A
4052	TK-4052	Fixed roof; ethanol	1972	30,240 gallons	N/A
4053	TK-4053	Fixed roof; ethanol	1972	30,240 gallons	N/A
4054	TK-4054	Fixed roof; heavy products or kerosene	1998	625,000 gallons	N/A
4055	TK-4055	Fixed roof; heavy products or kerosene	1998	625,000 gallons	N/A
4056	TK-4056	Fixed roof; heavy products or kerosene	1999	625,000 gallons	N/A
4057	TK-4057	Fixed roof; heavy products or kerosene	1999	625,000 gallons	N/A
4060	TK-4060	Internal floating roof; crude; mechanical shoe	1999	5,040,000 gallons	N/A
4061	TK-4061	Internal floating roof; crude; mechanical shoe	2008	5,040,000 gallons	N/A
4062	TK-4062	Internal floating roof; crude; mechanical shoe	2008	5,040,000 gallons	N/A
4066	**TK-4066**	**Fixed Roof; Biodiesel Tank**	**2011**	**40,000 gallons**	**N/A**
4103	TK-4103	Fixed roof; heavy products	1970	127,000 gallons	N/A
4104	TK-4104	Fixed roof; heavy products	1970	127,000 gallons	N/A
00A-03	CARBONBED	Carbon Bed Absorber	2002	6,000 cfm	N/A
Process Vessels					
303	TK-303	Fixed roof: MEK	1970	7,875 gallons	
304	TK-304	Fixed roof: Toluene	1970	7,875 gallons	
NS-FUG	**NS-FUG**	**Naphtha Splitter Fugitives**	**2011**	**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
R13-2334**Q**~~P~~	**May 26, 2011** ~~**July13, 2010**~~

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
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
FOIA	Freedom of Information Act
HAP	Hazardous Air Pollutant
HON	Hazardous Organic NESHAP
HP	Horsepower
lbs/hr *or* lb/hr	Pounds per Hour
LDAR	Leak Detection and Repair
m	Thousand
MACT	Maximum Achievable Control Technology
mm	Million
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
NSPS	New Source Performance Standards
PM	Particulate Matter
PM_{10}	Particulate Matter less than 10µm in diameter
pph	Pounds per Hour
ppm	Parts per Million
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

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.** This stationary source, as defined in 40 C.F.R. § 68.3, is subject to Part 68. This stationary source has submitted a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10. This stationary source 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. **Sulfur Dioxide.** The Company agrees that it shall not operate any source of sulfur dioxide emissions unless such source is in compliance with the Code, terms of CO-SIP-95-1, and any additional or more stringent provisions of 45CSR10 - "To Prevent and Control Air Pollution From the Emissions of Sulfur Oxides".
[CO-SIP-95-1 - IV.1. (SIPed)]

3.1.10. **Sulfur Dioxide.** The Company agrees that at all times, including periods of source start-up, shut down, and malfunction, that it will, to the extent practicable, maintain and operate all sources of sulfur dioxide emissions, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
[CO-SIP-95-1 - IV.2. (SIPed)]

3.1.11. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, operate, and maintain 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.
[45CSR13 - Permit R13-2334, 4.1.24., 45CSR§13-5.11.]

3.1.12. *Reserved*

3.1.13. Standards of Performance for Petroleum Refineries. The heaters and boilers shall be affected facilities, as that term is used in 40 C.F.R. Part 60, Subparts A and J. The facility shall certify, calibrate, maintain and operate a fuel gas CEMS in accordance with the requirements of 40 C.F.R. §§ 60.11, 60.13 and Part 60 Appendices A and F, and the applicable performance specification test of 40 C.F.R. Part 60 Appendix B.
[Consent Decree Civil No. 3:03CV114010S Paragraph V.12.B.]

3.1.14. **Consent Decree Civil No. 3: 03CV114010S:** The facility shall adhere to the conditions and provisions in the Consent Decree issued by US EPA and signed by the responsible officials of the company on August 28, 2003 for the purpose of reducing emissions of nitrogen oxides, sulfur dioxide, volatile organic compounds, and PM compounds. Only certain specified emission limits and standards that survive the termination of the Consent Decree have been incorporated into this Title V Permit, however the Consent Decree is still active as of the date of issuance of this permit.

3.1.15. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-2334, R13-2334A, R13-2334B, R13-2334C, R13-2334D, R13-2334E, R13-2334F, R13-2334G, R13-2334H, R13-2334I, R13-2334J, R13-2334K, R13-2334L, R13-2334M, R13-2334N, R13-2334O, R13-2334P**, R13-2334Q** 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.
[45CSR13, Permit R13-2334, Condition 2.5.1.]

3.2. Monitoring Requirements

3.2.1. None.

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)(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. **Record of Maintenance of Air Pollution Control Equipment.**

a. The permittee shall maintain maintenance records relating to the failure and/or repair of air pollution control devices and fugitive emissions control systems. Such records shall contain, at a minimum, the equipment ID number, a brief description of the equipment, the date of failure and/or repair, the nature of the problem, actions taken, and the name or initials of the person making the record entry. In the event of air pollution control equipment, fugitive emissions control system, or system failure, these records shall document the permittee's effort to maintain proper and effective operation of such equipment and/or systems.

b. Air pollution control equipment maintenance records shall be retained on-site for a period of five (5) years. Certified records, signed by a Responsible Official or an Authorized Representative shall be made available to the Secretary or a duly authorized representative upon request; and

c. Maintenance records required by this section may be kept in electronic format. The document(s) shall be printed and certified by a Responsible Official or Authorized Representative upon request.

[45CSR13 - Permit R13-2334, Condition 3.4.2.]

3.4.5. 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 R13-2334 - 4.4.3.]

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. **Confidential Business Information.** 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. **Submissions.** 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:	**If to the US EPA:**
Director WVDEP Division of Air Quality 601 57th Street SE Charleston, WV 25304 Phone: 304/926-0475 FAX: 304/926-0478	Associate Director Office of Enforcement and Permits Review (3AP12) 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:

4. 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.

5. 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.

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

7. 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.]

3.6. 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.

1. EWVI has certified that it has completed its obligations from the Consent Judgement (97-C-338), therefore the requirements from the Consent Judgement are no longer included in the Title V Permit.

2. 40 CFR Part 60, Subpart D - The boilers at the Newell Refinery do not have rated capacities greater than 250 MMBTU/hr.

3. 40 CFR Part 60, Subpart Da - The boilers at the Newell Refinery are not in electric utility service and do not have rated capacities greater than 250 MMBTU/hr.

4. 40 CFR Part 60, Subpart Db - The Newell Refinery does not have steam generating units that commenced construction, modification or reconstruction after June 19, 1984 with a rated capacity greater than 100 MMBTU/hr.

5. 40 CFR Part 60, Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984. Tanks 4044, 4045, and 4046 have capacities greater than 40,000 gallons and were constructed, modified, or reconstructed within the applicability dates. However, 40 C.F.R. § 60.112a(a), of Subpart Ka, exempts storage vessels to which this subpart applies which contain a petroleum liquid which, as stored, have a true vapor pressure less than 10.3 kPa (1.5 psia).

6. 40 CFR Part 60, Subpart GGG – Equipment Leaks of VOC in Petroleum Refineries. EWVI is not subject to Subpart GGG due to the fact that they are subject to 40 CFR Part 60, Subpart VV, and facilities subject to Subpart VV are exempt from Subpart GGG.

7. 40 CFR Part 61 Subpart J - National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene. The provisions of this subpart apply to each of the following sources that are intended to operate in benzene service: pumps, compressors, pressure relief devices, sampling connections, systems, open-ended valves or lines, valves, flanges, and other connectors, product accumulator vessels, and control devices or systems required by this subpart. To be covered by this Subpart, the equipment must be in benzene service. In benzene service means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 10 percent benzene by weight. The Newell Refinery does not have any equipment that is in benzene service.

8. 40 CFR Part 61 Subpart V - National Emission Standard for Equipment Leaks (Fugitive Emission Sources). The provisions of this subpart apply to each of the following sources that are intended to operate in volatile hazardous air pollutant service: pumps, compressors, pressure relief devices, sampling connections, systems, open-ended valves or lines, valves, flanges, and other connectors, product accumulator vessels, and control devices or systems required by this subpart.

   The provisions of this subpart apply after the promulgation of a specific subpart in Part 61. For example, If the refinery was subject to 40 CFR Part 61, Subpart J (which it is not), then the refinery would have to comply with the equipment leak provisions of 40 CFR Part 61, Subpart V. The actual equipment leak standards are contained in Subpart V. If one is subject to Subpart J, then Subpart J refers one to Subpart V for the actual compliance standards. In summary, the Newell Refinery would have to be subject to some other subpart in Part 61 that referred to Subpart V before Subpart V would be applicable.

9. 40 CFR Part 63 - EWVI has demonstrated that the facility is not a major source of HAPs and never has been. MEK is a major constituent of the EWVI HAP emissions and has now been delisted. [70 Fed. Reg. 75047 (December 19, 2005)] Further, EPA has made the determination that the delisting of MEK may be applied retroactively. Therefore, the "once in, always in" policy would not apply. In addition, more accurate emissions calculation methodologies have been developed for estimating fugitive emissions. Applying the more accurate emissions methodologies demonstrates that emissions from the MEK-TOL unit never exceeded the major threshold, even when combined with other sources of HAP emissions at the refinery. Retroactively applying the more accurate calculation methods for determining fugitive emissions from the MEK-TOL unit, added to the rest of the facility's HAP emissions, determined that facility-wide HAP PTEs have always been less than 10 tons per year of a single HAP and 25 tons per year of aggregate HAPs. Therefore, 40 CFR Part 63, Subparts R, Y, CC, OO, PP, QQ, RR, VV, UUU, EEEE, GGGGG, and DDDDD do not apply to this source.

10. 40 CFR 64 - The main/sour gas flare, F1, and the Carbon Bed Adsorber are not subject to the CAM requirements of 40 CFR 64 due to the fact that the potential pre-control device emissions are below the threshold in 40 CFR 64.2(a)(3). The thermal oxidizer meets the applicability requirements of 40 CFR 64. However, the existing Title V permit specifies a continuous compliance determination method which was taken from 40 CFR Part 63, Subpart R. Although Subpart R is no longer applicable to the facility, the facility has agreed to maintain the compliance determination method and therefore exempt the thermal oxidizer from the CAM rule in accordance with 40 CFR § 64.2(b)(vi).

4.0 Fuel Burning Units Requirements [Boilers A, B, & C, Heaters H-101, H-102, H-201, H-500s, H-600s, H-441, H-701, H-901, and H-1101]

Emission Unit	Applicable Rule	Limits Section 4.1.	Monitoring Section 4.2.	Testing Section 4.3.	Recordkeeping Section 4.4.	Reporting Section 4.5
Boilers A&B	45CSR2	1, 2, 3, 4, 7, 8, 9	3		2, 3	1
	45CSR10	5, 10, 11, 13	8		4, 5, 8	2
	45CSR13	6, 7, 8, 9, 10, 11, 12, 13, 14, 25	1, 3, 8, 9		1, 6, 8	1, 2
	CO-SIP-95	15, 16	2, 4, 5, 6, 7, 9	3	8	3, 4
	40CFR60	12, 25	9		6, 7	
Boiler C	45CSR2	1, 2, 3, 4, 7, 8, 9			2, 3	1
	45CSR10	5, 10, 11, 17			4, 5	
	45CSR13	6, 7, 8, 9, 10, 11, 17, 25	1	2	1, 4, 5, 9	1, 5
	40 CFR 60	25	9			
H-101& H-102	45CSR2	1, 2, 3, 4, 7, 8, 9			2, 3	1
	45CSR10	5, 10, 11, 13	8		4, 5	2
	45CSR13	6, 7, 8, 9, 10, 11, 12, 13, 18, 25	1, 8, 9	2 (101 only), 4	1, 4, 5, 6, 10	1, 2
	CO-SIP-95		2, 7, 9, 10	3, 5	7, 10	3, 4
	40CFR60	12, 25	9		6	
H-201	45CSR2	1, 2, 3, 4				
	45CSR10	5			12	
	45CSR13	6, 12, 19, 25	1	4	1, 6, 12	
	CO-SIP-95		2, 10	3, 5	7, 12	
	40CFR60	12, 25			6	
H-441 & H-701	45CSR2	1, 2, 3, 4, 7, 8, 9			2, 3	1
	45CSR10	5, 10, 11	8 (H-701 only)		4 (H-701 only), 5 (H-701 only), 12 (H-701 only)	

Emission Unit	Applicable Rule	Limits Section 4.1.	Monitoring Section 4.2.	Testing Section 4.3.	Recordkeeping Section 4.4.	Reporting Section 4.5
H-441 & H-701 (Continue)	45CSR13	6, 7, 8 (H-701 only), 9 (H-701 only), 10, 11 (H-441 only), 19, 25 (H-701 only)	1, 8 (H-701 only), 9 (H-701 only)		1, 4 (H-701 only), 5 (H-701 only), 6, 11 (H-441 only), 12 (H-701 only)	1
	CO-SIP-95	20 (H-441 only), 21 (H-701 only)	2, 6 (H-701 only), 9 (H-701 only)	3 (H-701 only)	7, 12 (H-701 only)	3, 4
	40 CFR 60	25 (H-701 only)	9 (H-701 only)			
H-500S & H-600S	45CSR2	1, 2, 3, 4, 7, 8, 9			2, 3	1
	45CSR10	5, 10, 11, 13	8		4, 5, 12	2
	45CSR13	6, 7, 8, 9, 10, 11, 12, 13, 22, 25	1, 8, 9	4	1, 6, 12	1, 2
	CO-SIP-95		2, 7, 9, 10	3, 5	7, 12	3, 4
	40CFR60	12, 25	9		6	
H-901	45CSR2	1, 2, 3, 4, 7, 8, 9			2, 3	1
	45CSR10	5, 10, 11, 12, 13	8		4, 5	2
	45CSR13	6, 7, 23, 25	1, 8, 9, 11	6	1, 6, 13, 14	1, 2, 6
	40CFR60	12, 25	~~9~~	6	6	6
H-1101	45CSR2	1, 2, 3, 4, 7, 8, 9, 10			2, 3	1
	45CSR10	5, 10, 11				
	45CSR13	6, 7, 23, 24	1, 12		1, 15	1

4.1. Limitations and Standards

All boilers and heaters

4.1.1. 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. and 45CSR13 - Permit R13-2334 - 4.1.1.]

4.1.2. The addition of sulfur oxides to a combustion unit exit gas stream for the purpose of improving emissions control equipment efficiency shall be reviewed by the Director. No person shall cause, suffer, allow or permit the addition of sulfur oxides as described above unless written approval for such addition is provided by the Director.
[45CSR§2-4.4.]

4.1.3. In the event of an unavoidable shortage of fuel having characteristics or specifications necessary for a fuel burning unit to comply with the visible emission standards set forth in 45CSR§2-3.1. or any emergency situation or condition creating a threat to public safety or welfare, the Director may grant an exception to the otherwise applicable visible emission standards for a period not to exceed fifteen (15) days, provided that visible emissions during the exception period do not exceed a maximum six (6) minute average of thirty (30) percent and that a reasonable demonstration is made by the owner or operator that the emission standards under 45CSR§2-4.1.b. will not be exceeded during the exemption period.
[45CSR§2-10.1. and 45CSR13 - Permit R13-2334 - 4.1.2.]

4.1.4. In the event a fuel burning unit employing a flue gas desulphurization system must by-pass such system because of necessary planned or unplanned maintenance, visible emissions may not exceed twenty percent (20%) opacity during such period of maintenance. The Director may require advance notice of necessary planned maintenance, including a description of the necessity of the maintenance activity and its expected duration and may limit the duration of the variance or the amount of the excess opacity exception herein allowed. The Director shall be notified of unplanned maintenance and may limit the duration of the variance or the amount of excess opacity exception allowed during unplanned maintenance.
[45CSR§2-10.2. and 45CSR13 - Permit R13-2334 - 4.1.3.]

4.1.5. Due to unavoidable malfunction of equipment or inadvertent fuel shortages, emissions exceeding those provided for in 45CSR10 may be permitted by the Director for periods not to exceed ten (10) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the equipment malfunction or fuel shortage. In cases of major equipment failure or extended shortages of conforming fuels, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director.
[45CSR§10-9.1.]

4.1.6. The facility shall not burn Fuel Oil in any combustion unit, except during periods of natural gas curtailment and/or during periods of DOT required maintenance of the natural gas pipeline in which the facility shall burn only LPG or low sulfur distillate (e.g. No. 2 oil at less than 0.5% sulfur). Note: Fuel Oil is defined as any liquid fossil fuel with sulfur content greater than 0.05% by weight.
[45CSR13 - Permit R13-2334 - 4.1.4. and Consent Decree Civil No. 3:03SV114010S Paragraph 12.C.]

All Boilers, Heaters Except H-201

4.1.7. No person shall cause, suffer, allow or permit the discharge of particulate matter into the open air in excess of the following:

Emission Unit	PM Emission Limit
	LBs/hr
Boiler A	14.36
Boiler B	14.36
Boiler C	8.55
H-101	5.22
H-102	2.23
H-500s	6.04
H-600s	3.74
H-441	1.11
H-701	1.09
H-901	2.48
H-1101	3.49

[45CSR§2-4.1.b. and 45CSR13 - Permit R13-2334 - 4.1.5.]

4.1.8. The visible emission standards set forth in 45CSR§2-3 shall apply at all times except in periods of start-ups, shutdowns and malfunctions. Where the Director believes that start-ups and shutdowns are excessive in duration and/or frequency, the Director may require an owner or operator to provide a written report demonstrating that such frequent start-ups and shutdowns are necessary.
[45CSR§2-9.1. and 45CSR13 - Permit R13-2334 - 4.1.6.]

4.1.9. At all times, including periods of start-ups, shutdowns and malfunctions, owners and operators shall, to the extent practicable, maintain and operate any fuel burning unit(s) including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, visible emission observations, review of operating and maintenance procedures and inspection of the source.
[45CSR§2-9.2., 45CSR16, 40 C.F.R. § 60.11 (d), and 45CSR13 - Permit R13-2334 - 4.1.7.]

4.1.10. No person shall cause, suffer, allow or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the following: the product of 3.1 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour.
[45CSR§10-3.1.e. *(Boiler C, Heaters H-441, H-701, H-901, and H-1101)*]

4.1.11. Compliance with the allowable sulfur dioxide emission limitations from fuel burning units shall be based on a continuous twenty-four (24) hour averaging time. The owner and/or operator of a fuel burning unit shall not allow emissions to exceed the weight emissions standards for sulfur dioxide as set forth in this rule, except during one (1) continuous twenty-four (24) hour period in each calendar month and during this one (1) continuous twenty-four hour period said owner and/or operator shall not allow emissions to exceed such weight emission standards by more than ten percent (10%) without causing a violation of this rule. A continuous twenty-four (24) hour period is defined as one (1) calendar day.
[45CSR§10-3.8. and 45CSR13 - Permit R13-2334 - 4.1.8.]

Boilers A, B and C, Heaters H-101, H-102, H-201, H-500S, H-600S, H-701, H-901

4.1.12. No owner or operator shall burn in any fuel gas combustion device any fuel gas that contains hydrogen sulfide (H_2S) in excess of 230 mg/dscm (0.10 gr/dscf). The combustion in a flare of process upset gases or fuel gas that is released to the flare as a result of relief valve leakage or other emergency malfunctions is exempt from this paragraph.
[40 C.F.R. §60.104(a)(1) and 45CSR§16-4.1; 45CSR13 - Permit R13-2334 - 4.1.22.]

Boilers A, B and C, Heaters H-101, H-102, H-500S, H-600S, H-701, H-901

4.1.13. At the request of the Director the owner and/or operator of a source shall install such stack gas monitoring devices as the Director deems necessary to determine compliance with the provisions of 45CSR10. The data from such devices shall be readily available at the source location or such other reasonable location that the Director may specify. At the request of the Director, or his or her duly authorized representative, such data shall be made available for inspection or copying. Failure to promptly provide such data shall constitute a violation of this rule.
[45CSR§10-8.2.a. and 45CSR13 - Permit R13-2334 - 4.1.9.]

Boilers A and B

4.1.14. The combined emissions from **Boiler A and Boiler B** (Emission Point ID Nos. A & B, which is a common stack) shall not exceed those listed below.

Pollutant	Emission limit	
	TPM	**TPY**
CO	11.51	115.07
NO_x	8.10	81.04
PM	1.04	10.42
SO_2	0.81	8.06
VOC	0.75	7.53

[45CSR13 - Permit R13-2334 - 4.1.12.]

4.1.15. Emissions from the operation of **Boilers A & B**, shall not exceed a total emission rate of **264 lbs. SO_2/hr**.
[CO-SIP-95-1 - Condition IV.3.B.b. (SIPed)]

4.1.16. Any modifications or replacement of the stacks from **Boilers No. A and B** shall comply with the provisions of 45CSR20 "Good Engineering Practice as Applicable to Stack Heights".
[CO-SIP-95-1 - Condition IV.10. (SIPed)]

Boiler C

4.1.17. **Boiler C** shall be equipped with low NO_x burners. NO_x limits (based on a three-hour averaging period) shall be 0.050 lb/mmBTU. Emissions from Boiler C (Emission Point ID No. C) shall not exceed the limits in the following table. Compliance with the NO_x limit shall demonstrate compliance with the less stringent limit of Permit R13-2334. Compliance with the SO_2 limit shall demonstrate compliance with the less stringent limit of 45CSR§10-3.1.e.

Pollutant	Emission limit	
	TPM	**TPY**
CO	3.43	34.27
NO_x	2.08	20.81
PM	0.31	3.10
SO_2	0.24	2.41
VOC	0.22	2.24

[45CSR13 - Permit R13-2334 - 4.1.13. and 4.1.14.; 45CSR§10-3.1.e., Consent Decree Civil No. 3:03SV114010S V.11.B.]

Heaters H-101 and H-102

4.1.18. Crude oil distillation unit heaters (H-101 and H-102) shall be equipped with low NO_x burners. NO_x limits (based on a three-hour averaging period) on H-101 shall be 0.065 lb/mmBTU. Combined emissions from H-101 and H-102 shall not exceed those listed below.

Pollutant	Emission limit	
	TPM	**TPY**
CO	1.44	14.47
NO_x	2.18	21.78
PM	0.27	2.70
SO_2	0.96	9.59
VOC	0.36	3.62

[45CSR13 - Permit R13-2334 - 4.1.14. and 4.1.15., Consent Decree Civil No. 3:03SV114010S V.11.B.]

Heaters H-201, H-441, and H-701

4.1.19. Emissions from heaters H-201, H-701, and H-441 shall not exceed those listed in the following table. Compliance with the SO_2 limit shall demonstrate compliance with the less stringent limit of 45CSR§10-3.1.e.

Pollutant	H-201		H-701		H-441	
	TPM	TPY	TPM	TPY	TPM	TPY
CO	0.43	2.38	0.44	4.36	0.44	4.44
NO_x	0.28	2.76	0.11	1.06	0.53	5.28
PM	0.02	0.22	0.04	0.39	0.04	0.40
SO_2	0.08	0.77	0.14	1.40	0.01	0.03
VOC	0.02	0.16	0.03	0.29	0.03	0.29

[45CSR13 - Permit R13-2334 - 4.1.16., 45CSR§10-3.1.e.]

4.1.20. Heater H-441 shall be limited to combusting natural gas only.
[CO-SIP-95-1 - Condition IV.8. (SIPed); 45CSR13 - Permit R13-2334 - 4.1.17.]

4.1.21. The vacuum fractionator heater, H-701, shall be fired only with natural gas and/or treated refinery fuel gas that contains hydrogen sulfide in a concentration not to exceed **10 grains/100 dry standard cubic feet of gas**, and emissions of **sulfur dioxide** shall not exceed **0.8 lbs/mmBtu**.
[CO-SIP-95-1 - Condition IV.6. (SIPed)]

Heaters H-500S and H-600S

4.1.22. Emissions from H-500S and H-600S heaters shall not exceed those listed in the following table. Note: "S" means multiple heaters with emissions exiting a common emission point.

Pollutant	H-500S		H-600S	
	TPM	TPY	TPM	TPY
CO	2.42	24.2	1.5	15.01
NO_x	3.46	34.58	2.14	21.44
PM	0.22	2.19	0.14	1.36
SO_2	0.78	7.79	0.48	4.83
VOC	0.16	1.58	0.1	0.98

[45CSR13 - Permit R13-2334 - 4.1.18.]

Heaters H-901 and H-1101

4.1.23. Emissions from the DHT Heater (H-901) and Hydrogen Plant Heater (H-1101) shall not exceed those listed in the following table.

Pollutant	H-901		H-1101	
	TPM	TPY	TPM	TPY
CO	0.42	4.21	0.17	1.70
NO_x	0.30	3.01	0.68	6.80
PM	0.08	0.79	0.17	1.70
SO_2	0.27	2.72	0.01	0.08
VOC	0.12	1.20	0.13	1.25

[45CSR13 - Permit R13-2334 - 4.1.19. and 4.1.20.]

4.1.24. Heater H-1101 shall be limited to combusting natural gas only.
[45CSR13 - Permit R13-2334 - 4.1.21.]

Boilers A, B, and C, Heaters H-101, H-102, H-201, H-500S, H-600S, H-701, and H-901

4.1.25. The permittee shall comply with the emission limitations set forth in 40 C.F.R. 60~~,~~ Subpart J on and after the date on which the initial performance test, required by 40 C.F.R. § 60.8, is completed, but not later than 60 days after achieving the maximum production rate at which the affected facility will be operated, or 180 days after initial startup, whichever comes first.
[40 C.F.R. § 60.104 and 45CSR§16-4.1; 45CSR13 - Permit R13-2334 - 4.1.23., Consent Decree Civil No. 3:03SV114010S V.12.B.]

4.2. Monitoring Requirements

All Boilers and Heaters

4.2.1. Visual emission checks of each emission point subject to an opacity limit shall be conducted during periods of normal facility operation for a sufficient time interval to determine if the unit has visible emissions using 40 CFR 60 Appendix A, Method 22. If natural gas is being combusted, the visual emissions checks shall be conducted monthly. If fuel oil is being combusted, the visual emissions checks shall be conducted weekly. If visible emissions are identified during the survey, or at any other time, the permittee shall take corrective action to minimize the emissions immediately. If during these checks, or at any other time, visible emissions are observed, a visible emission evaluation shall be conducted in accordance with 40 CFR 60 Appendix A, Method 9. A Method 9 evaluation shall not be required if the visible emission condition is corrected in a timely manner. A record of each visible emission check required above shall be maintained on site for a period of no less than five (5) years. Said record shall include, but not be limited to, the date, time, name of emission unit, the applicable visible emissions requirement, the results of the check, what action(s), if any, was/were taken, the name of the observer, and any data required by 40 CFR 60 Appendix A, Method 22 or Method 9.
[45CSR13 - Permit R13-2334 - 4.2.1.]

Boilers A and B, All Heaters (except H-901 and H-1101)

4.2.2. Compliance with the emission limitations of CO-SIP-95-1 shall be based upon the averaging time and compliance determination methods established in Sections 4.2.4. through 4.2.7., and 4.2.10. of this permit.
[CO-SIP-95-1 - Condition V.1. (SIPed)]

Boilers A and B

4.2.3. The permittee shall monitor compliance with 45CSR§2-3 in an approved monitoring plan (see Appendix A) for each emission unit. Such plans shall include, but not be limited to, one or more of the following: continuous measurement of emissions, monitoring of emission control equipment, periodic parametric monitoring, or such other monitoring as approved by the Director.
[45CSR§2-8.2.; 45CSR13 - Permit R13-2334 - 4.1.11.]

4.2.4. Compliance with the sulfur dioxide emission limitations established in Section 4.1.15. for gas-fired boiler Nos. A and B shall be demonstrated in accordance with the following provisions:

A. Co-located continuous monitoring systems (for sulfur dioxide and oxygen) shall be installed, calibrated, maintained and operated to measure the concentration of sulfur dioxide and oxygen in the combustion gases discharged from these boilers. The continuous monitoring systems and programs shall comply with the requirements of Sections 4.2.5. and 4.2.6.

B. Following installation of the continuous monitoring system, compliance shall be determined based upon a rolling three (3) hour average of measured sulfur dioxide concentrations and procedures approved by the Director to calculate hourly mass emissions.

C. During any period after June 1, 1995 in which either of these boilers is operated without its continuous emission monitoring system in proper operation, the Company shall fire only natural gas or desulfurized refinery fuel-gas in the boiler.

[CO-SIP-95-1 - Condition V.3. (SIPed) ***(During fuel oil combustion only, see Section 4.1.6.)*****]**

4.2.5. Installation, calibration, maintenance and operation of the continuous emission monitoring systems required under Section 4.2.4., shall comply with the following provisions under 40 CFR Part 60:

a.	Part 60.13(a)	i.	Part 60.13(j)
b.	Part 60.13(c)	j.	Part 60.45(c)
c.	Part 60.13(d)(1)	k.	Part 60.45(e)
d.	Part 60.13(e)(2)	l.	Part 60.45(f)
e.	Part 60.13(f)	m.	Part 60.46(b)(4)
f.	Part 60.13(g)	n.	Part 60; Appendix A, Methods 6, 6A and 6B
g.	Part 60.13(h)	o.	Part 60; Appendix B, Performance Specification 2
h.	Part 60.13(i)	p.	Part 60, Appendix B, Performance Specification 3

Where the term "Administrator" (USEPA) is used within any of the adopted 40 CFR Part 60 provisions, the term shall mean the Director.
[CO-SIP-95-1 - Condition V.5. (SIPed)]

4.2.6. All continuous emission monitoring data required to be collected under Section 4.2.4. shall be quality assured in accordance with 40CFR part 60, Appendix F Quality Assurance Procedures.
[CO-SIP-95-1 - Condition V.7. (SIPed)]

Boilers A and B, Heaters H-101, H-102, H-500S, H-600S

4.2.7. Sources of sulfur dioxide emissions subject to CO-SIP-95-1 shall demonstrate compliance with the emission standards set forth in Sections 4.1.15., 4.1.21., and 5.1.8., using data collected in accordance with this section and reference emissions test procedures in 40 CFR Part 60, Appendix A, Methods 6, 6A, 6B, and 19.
[CO-SIP-95-1 - Condition V.8. (SIPed)]

Boilers A, B and C, Heaters H-101, H-102, H-500S, H-600S, H-701, H-901

4.2.8. The owner or operator of fuel burning unit(s), manufacturing process source(s) or combustion source(s) shall demonstrate compliance with sections 3, 4 and 5 of 45CSR10 by testing and /or monitoring in accordance with one or more of the following: 40 CFR Part 60, Appendix A, Method 6, Method 15, continuous emissions monitoring systems (CEMS) or fuel sampling and analysis as set forth in an approved monitoring plan for each emission unit (see Appendix A).
[45CSR§10-8.2.c.; 45CSR13 - Permit R13-2334 - 4.1.10.]

Boilers A, B and C, Heaters H-101, H-102, H-201, H-701, H-500S, H-600S, H-901

4.2.9. Compliance with the hydrogen sulfide concentration limit of permit condition 4.1.12. shall be demonstrated using the continuous monitor as follows:

a. An instrument for continuously monitoring and recording the concentration (dry basis) of H_2S in fuel gases before being burned in any fuel gas combustion device.

i. The span value for this instrument is 425 mg/dscm H_2S.

ii. Fuel gas combustion devices having a common source of fuel gas may be monitored at only one location, if monitoring at this location accurately represents the concentration of H_2S in the fuel gas being burned.

iii. The performance evaluations for this H_2S monitor under 40 C.F.R. § 60.13(c) shall use Performance Specification 7. Method 11, 15, 15A, or 16 shall be used for conducting the relative accuracy evaluations.

Compliance with this limit shall demonstrate compliance with CO-SIP-95-1, Condition V.6.
[40 C.F.R.§§ 60.105(a)(4)(i), (ii), and (iii) and 45CSR§16-4.1; CO-SIP-95-1 - Condition V.6. (SIPed); 45CSR13 - Permit R13-2334 - 4.2.2. and 4.2.3.]

Heaters H-101, H-102, H-201, H-500S, H-600S

4.2.10. Compliance with the sulfur dioxide emission limitations established in Sections 4.4.10. and 4.4.12. for Process Heaters H-101, H-102, H-201, H-500 and H-600 shall be determined daily in accordance with the following provisions:

A. Total daily sulfur dioxide emissions for each heater shall be calculated by adding the sulfur dioxide emissions attributable to each fuel fired during all twenty-four (24) hour periods.

B. Sulfur dioxide emissions attributable to the combustion of fuel oil shall be determined by sampling and analyzing the volume of fuel oil fired for sulfur content and heating volume in accordance with applicable ASTM sampling and analytical methods and accurately measuring the volume and mass of fuel oil fired in each heater.

[CO-SIP-95-1 - Condition V.4. (SIPed) ***(During fuel oil combustion only, see Section 4.1.6.)*****]**

Heaters H-901 and H-1101

4.2.11. The permittee shall monitor the amount of fuel gas consumed in H-901 using flow meters.
[45CSR13 - Permit R13-2334 - 4.2.5.]

4.2.12. The permittee shall monitor the amount of natural gas consumed in H-1101 using flow meters.
[45CSR13 - Permit R13-2334 - 4.2.4.]

4.3. Testing Requirements

4.3.1. *Reserved*

4.3.2. *Reserved*

Boilers A and B, Heaters H-101, H-102, H-201, H-701, H-500S, H-600S

4.3.3. Any source for which compliance with sulfur dioxide emissions limitations are not demonstrated using continuous emission monitoring systems, must demonstrate compliance in accordance with Section 4.2.7. not less frequently than semi-annually. At least three test runs, each with sufficient samples to characterize a two-hour period representative of normal source operation, shall be required for each compliance demonstration using the reference test procedures specified in Section 4.2.7. The Director may order any person subject to CO-SIP-95-1 to conduct or have conducted an emissions test at any time that he or she has reason to believe that an emission limitation may be exceeded. The semi-annual tests shall otherwise be scheduled as ordered by or in consultation with the Director. No tests shall be required for units burning only natural gas.
[CO-SIP-95-1 - Condition V.9. (SIPed)]

4.3.4. *Reserved*

Boilers A, B and C, Heaters H-101, H-102, H-201, H-701, H-500S, H-600S, H-901

4.3.5. During any period of failure or malfunction of the hydrogen sulfide continuous emission monitoring system required under Section 4.2.9., H_2S concentrations of the refinery fuel gas shall be determined by collection of not less than two (2) gas samples per eight (8) hour period which are analyzed by gas chromatography for hydrogen sulfide content, density and heating value in accordance with ASTM Method D-1945. The Company may request approval by the Director of alternative sampling and analytical methods for determination of these parameters during periods when the H_2S monitoring system has failed or malfunctioned.
[CO-SIP-95-1 - Condition V.11. (SIPed) *(During fuel oil combustion only)*]

4.3.6. *Reserved*

4.4. Recordkeeping Requirements

All Boilers and Heaters

4.4.1. To determine compliance with restrictions set forth in Section 4.1.6., the permittee shall document the frequency, length of time, amount of fuel oil consumed, and estimate of emissions during DOT maintenance and periods of natural gas curtailment in which fuel oil was combusted. To determine compliance with fuel oil sulfur content limits set forth in Section 4.1.6., the permittee shall keep records of the sulfur content of all fuel oil received for the purpose of combustion. Each batch of fuel oil shall have its sulfur content determined by test method ASTM D4294. This information along with appropriate emission factors from *EPA's AP-42 Fifth Edition, Volume I, Supplement E, Chapter 1.3* may be used to estimate emissions.
[45CSR13 - R13-2334 - 4.4.4.]

All Boilers and Heaters Except H-201

4.4.2. The operators of fuel burning units shall maintain a periodic exception report for each unit. Such reports shall include, but may not be limited to the date and time of start-ups and shutdowns. All such requirements, including notification by telephone, telefax, or other such method determined by the Director, shall be deemed to be satisfied when the reports are maintained on site for a period of no less than five (5) years and shall be made available upon request to the Director or his/her duly authorized representative.
[45CSR§2-8.3.b.; 45CSR13 - Permit R13-2334 - 4.4.5.]

4.4.3. The permittee shall maintain records of the operating schedule and the quantity of fuel consumed in each fuel burning unit monthly, at a minimum, but may record it more often at the discretion of the permittee.
[45CSR§2-8.3.c.; 45CSR13 - Permit R13-2334 - 4.4.6.]

Boilers A, B and C, Heaters H-101, H-102, H-500S, H-600S, H-701

4.4.4. The owner or operator of fuel burning unit(s), manufacturing process source(s) or combustion source(s) subject to 45CSR§§10-3, 4 or 5 shall maintain on-site a record of all required monitoring data as established in a monitoring plan (see Appendix A) pursuant to 45CSR§10-8.2.c. Such records shall be made available to the Director or his duly authorized representative upon request. Such records shall be retained on-site for a minimum of five years.
[45CSR§10-8.3.a.; 45CSR13 - Permit R13-2334 - 4.4.7.]

4.4.5. The owner or operator of a fuel burning unit(s) or a combustion source(s) shall maintain records of the operating schedule and the quantity and quality of fuel consumed in each unit in a manner specified by the Director. Such records are to be maintained on-site and made available to the Director or his duly authorized representative upon request.
[45CSR§10-8.3.c.; 45CSR13 - Permit R13-2334 - 4.4.8.]

Boilers A and B, All Heaters (except H-901 and H-1101)

4.4.6. For any periods for which sulfur dioxide or oxides emissions data are not available, the owner or operator of the affected facility shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability which could affect the ability of the system to meet the applicable emission limit. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.
[40 C.F.R. § 60.107(d) and 45CSR§16-4.1; 45CSR13 - Permit R13-2334 - 4.4.14.]

4.4.7. The Company shall maintain records of the occurrence and duration of any start-up, shut-down or malfunction in the operation of sources subject to CO-SIP-95-1, any malfunction of air pollution control equipment or any periods during which a continuous monitoring system or device is inoperative.
[CO-SIP-95-1 - Condition VI.4. (SIPed)]

Boilers A and B

4.4.8. To determine compliance with the emission limits set forth for Boiler A and Boiler B in Section 4.1.14., the permittee shall keep monthly records of the amount of fuel gas (refinery plus natural gas) consumed within the two boilers, individually. This information along with appropriate emission factors from EPA's Supplement D, Chapter 1.4 may be used to estimate monthly emissions of all pollutants except SO_2. SO_2 emission factors shall be based on the 1995 SIP and heating value (HHV), which sets a limit of 0.13260 lb/MMBtu. Compliance with the yearly limit shall be based on a 12-month rolling total in accordance with Section 2.1.4. Compliance with this limit shall demonstrate compliance with the less stringent requirement of CO-SIP-95-1, Condition IV.3.A. (SIPed) and 45CSR§10-3.1.e.
[45CSR13 - Permit R13-2334 - 4.4.9., CO-SIP-95-1 - Condition IV.3.A. (SIPed) and 45CSR§10-3.1.e.]

Boiler C

4.4.9. To determine compliance with the emission limits for Boiler C, set forth in Section 4.1.17., the permittee shall keep monthly records of the amount of natural gas consumed within Boiler C and the hours of operation. This information along with appropriate emission factors from *EPA's Compilation of Air Pollutant Emission Factors AP-42 Fifth Edition, Volume I, Supplement D: Stationary Point and Area Sources* (AP-42), Chapter 1.4. may be used to estimate monthly emissions of all pollutants except NO_x. The emission factor for NO_x shall be obtained from the Global Consent Decree (Civil No. 3:03CV114010S), which sets a limit of 0.050 lb/MMBtu. Compliance with the yearly limit shall be based on a 12-month rolling total in accordance with Section 2.1.4.
[45CSR13 - Permit R13-2334 - 4.4.10.]

Heaters H-101 and H-102, H-201, H-441, H-701, H-500S and H-600S

4.4.10. To determine compliance with the emission limits set forth for **H-101 and H-102** in Section 4.1.18., the permittee shall keep monthly records of the amount of fuel gas (refinery plus natural gas) consumed within the two heaters. This information along with appropriate emission factors from *EPA's AP-42 Fifth Edition, Volume I, Supplement D, Chapter 1.4*. may be used to estimate monthly emissions of all pollutants except NO_x and SO_2. NO_x emission factors for H-101 shall be obtained from the Global Consent Decree (Civil No. 3:03CV114010S), which sets a limit of 0.065 lb/MMBtu. SO_2 emission factors shall be based on the 1995 SO_2 SIP and heating value (HHV) of 1019 Btu/scf, which sets a limit of 0.13260 lb/MMBtu. Compliance with the yearly limit shall be based on a 12-month rolling total in accordance with Section 2.1.4. Compliance with the

SO_2 limit shall demonstrate compliance with the less stringent requirement of CO-SIP-95-1, Condition IV.4. (SIPed) and 45CSR§10-3.1.e.
[45CSR13 - Permit R13-2334 - 4.4.11. (H-101 and H-102), CO-SIP-95-1 - IV.4. (SIPed); 45CSR§10-3.1.e.]

4.4.11. To determine compliance with the emission limits set forth for and **H-441** in Section 4.1.19., the permittee shall keep monthly records of the amount of natural gas consumed in the heater. This information along with appropriate emission factors from *EPA's AP-42 Fifth Edition, Volume I, Supplement D, Chapter 1.4* may be used to estimate monthly emissions.
[45CSR13 - Permit R13-2334 - 4.4.12. (H-441)]

4.4.12. To determine compliance with the emission limits set forth for H-201, H-500 and Series H-600 Series, **and H-701** in Sections 4.1.19. and 4.1.22., the permittee shall keep monthly records of the amount of fuel gas (refinery plus natural gas) consumed within the four heaters, individually. This information along with appropriate emission factors from *EPA's Supplement D, Chapter 1.4*. may be used to estimate monthly emissions of all pollutants except SO_2. SO_2 emission factors shall be based on the 1995 SIP and heating value (HHV), which sets a limit of 0.13260 lb/MMBtu. Compliance with the yearly limit shall be based on a 12-month rolling total in accordance with Section 2.1.4. Compliance with the SO_2 limit shall demonstrate compliance with the less stringent requirement of CO-SIP-95-1, Condition IV.5. and 7. (SIPed) and 45CSR§10-3.1.e.
[45CSR13 - Permit R13-2334 - 4.4.13. (H-201, H-500S and H-600S, and H-701), CO-SIP-95-1 - IV.5. and 7. (SIPed); 45CSR§10-3.1.e.]

Heaters H-901 and H-1101

4.4.13. The permittee shall keep monthly records of the amount of refinery fuel gas consumed by **H-901**. To determine compliance with NO_x, SO_2, VOC, and CO emissions limits for the H-901, emission factors from manufacturer's specifications along with fuel gas consumption may be used. To determine compliance with the PM emission limits, AP-42 emission factors Table 1.4.-2 (1998) along with fuel gas consumption data may be used. Said records shall be maintained on-site for a period of five (5) years. Said records shall be made available to the Director of the Division of Air Quality or his/her duly authorized representative upon request and shall be certified by a responsible official upon the submittal.
[45CSR13 - Permit R13-2334 - 4.4.15.]

4.4.14. The permittee shall maintain continuous record for the H_2S concentration in the refinery fuel gas consumed by **H-901**. Said records shall be maintained on-site for a period of five (5) years. Said records shall be made available to the Director of the Division of Air Quality or his/her duly authorized representative upon request and shall be certified by a responsible official upon the submittal.
[45CSR13 - Permit R13-2334 - 4.4.16.]

4.4.15. The permittee shall keep monthly records of the amount of natural gas consumed by **H-1101**. To determine compliance with the NO_x, SO_2, and CO emission limits for H-1101, the permittee may use manufacturer's specifications and natural gas consumption. To determine compliance with the VOC and PM emission limit, natural gas consumption data and AP-42 Table 1.4-2 (1998) using an average gas high heating value (HHV) of 1020 BTU/scf may be used. Said records shall be maintained on-site for a period of five (5) years. Said records shall be made available to the Director of the Division of Air Quality or his/her duly authorized representative upon request and shall be certified by a responsible official upon the submittal.
[45CSR13 - Permit R13-2334 - 4.4.17.]

4.5. Reporting Requirements

All Boilers, Heaters H-101, H-102, H-441, H-701, H-500S, H-600S, H-901, H-1101

4.5.1. The owner or operator of a fuel burning unit(s) subject to 45CSR2 shall report to the Director any malfunction of such unit or its air pollution control equipment which results in any excess particulate matter emission rate or excess opacity (i.e., emissions exceeding the standards in 45CSR§§2-3 and 4) as provided in one of the following subdivisions:

a. Excess opacity periods meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Director:

1. The excess opacity period does not exceed thirty (30) minutes within any 24-hour period; and

2. Excess opacity does not exceed 40%.

b. The owner or operator shall report to the Director any malfunction resulting in excess particulate matter or excess opacity, not meeting the criteria set forth in 45CSR§2-9.3.a, by telephone, telefax, or e-mail by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Director within thirty (30) days providing the following information:

1. A detailed explanation of the factors involved or causes of the malfunction;

2. The date and time of duration (with starting and ending times) of the period of excess emissions;

3. An estimate of the mass of excess emissions discharged during the malfunction period;

4. The maximum opacity measured or observed during the malfunction;

5. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and

6. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

[45CSR§2-9.3.; 45CSR13 - R13-2334 - 4.5.1.]

Boilers A and B, Heaters H-101, H-102, H-500S, H-600S, H-901

4.5.2. The owner or operator shall submit a periodic exception report to the Director, in a manner specified by the Director. Such an exception report shall provide details of all excursions outside the range of measured emissions or monitored parameters established in an approved monitoring plan (see Appendix A) and shall include, but not be limited to, the time of the excursion, the magnitude of the excursion, the duration of the excursion, the cause of the excursion and the corrective action taken.
[45CSR§10-8.3.b.; 45CSR13 - Permit R13-2334 - 4.5.2.]

Boilers A and B, Heaters H-101, H-102, H-201, H-441, H-701, H-500S, H-600S

4.5.3. The Company shall submit an excess emissions and monitoring systems performance report to the Director for all sources for which the Company is required to maintain and operate a continuous monitoring system or monitoring device for sulfur dioxide or hydrogen sulfide on a calendar monthly basis. All such reports shall be submitted by the 30th day following the end of each calendar month and shall contain the results of all determinations showing excess emissions regardless of whether the determinations are made by continuous monitoring data or by other methods established by CO-SIP-95-1. Written reports of excess emissions shall include the following information:

a. The magnitude of excess emissions computed in accordance with 40 CFR § 60.13(h), any conversion factor(s) used, the date and time at which the excess emissions started and ended for each occurrence of excess emissions and the process operating time during the reporting period.

b. Specific identification of each period of excess emissions that occurred during start-ups, shut-downs and malfunctions of the affected facility. Each malfunction report filed with the Director in accordance with Section 4.5.4. shall be referenced by report number with the date of occurrence and date of report submission noted.

c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

d. When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired or adjusted, such information shall be stated in the report.

If the total duration of excess emissions during the reporting period is less than one percent (1%) of the total operating time for the reporting period, and downtime for the continuous monitoring system for the reporting period is less than five percent (5%) of the total operating time for the reporting period, only the summary report form listed as Figure 1 in 40 CFR Part 60.7(d) shall be submitted, and the excess emission report described above need not be submitted unless requested by the Director. If the total duration of excess emissions for the reporting period is one percent (1%) or greater of the total operating time for the reporting period, or the total continuous system downtime for the reporting period is five percent (5%) or greater of the total operating time for the reporting period, the summary report from and the excess emission report described above shall both be submitted to the Director.
[CO-SIP-95-1 - Condition VI.3. (SIPed)]

4.5.4. The Company shall report to the Director, by telephone or telefax, any malfunction of such source or its air pollution control equipment which results in any excess sulfur dioxide emission rate or concentration within twenty-four (24) hours of becoming aware of such condition. The Company shall file a written report concerning the malfunction with the Director within ten (10) days, providing the following information:

a. A detailed explanation of the factors involved or causes of the malfunction.

b. The date and time of duration (with starting and ending times) of the period of excess emissions.

c. An estimate of the mass of excess emissions discharged during the malfunction period.

d. The maximum emission rate or concentration measured or otherwise determined during the malfunction in units of the applicable emissions standard.

e. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction.

f. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

[CO-SIP-95-1 - Condition VI.7. (SIPed)]

Boiler C

4.5.5. The permittee is responsible for submitting notification of the date of construction or reconstruction, anticipated startup, and actual startup and complying with 40 C.F.R. § 60.40c, 40 C.F.R. § 60.48c, and 40 C.F.R. § 60.8. The permittee has complied with this requirement by submitting notification. Renotification will be required if modifications are made.
[40 C.F.R. § 60.48c and 45CSR§16-2.1.; 45CSR13 - R13-2334 - 4.5.3.]

Heater H-901

4.5.6. For any periods for which sulfur dioxide or oxides emissions data are not available for H-901, the owner or operator of the affected facility shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability which could affect the ability of the system to meet the applicable emission limit. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.
[40 C.F.R. § 60.107(d) and 45CSR§16-4.1; 45CSR13 - Permit R13-2334 - 4.5.4.]

4.6. Compliance Plan

4.6.1. None.

5.0 F1, T Load and OXIDIZER Requirements

5.1. Limitations and Standards

5.1.1. No person shall cause, suffer, allow or permit particulate matter to be discharged from any incinerator into the open air in excess of the quantity determined by the use of the following formula:

Emissions(lb/hr) = F x Incinerator Capacity (tons/hr) where the factor, F, is as indicated in the table below:

Incinerator Capacity	F Factor
Less than 15,000 lbs/hr	5.43
15,000 lbs/hr or greater	2.72

Emission Unit	Calculation	Limit
F1:	2.72 x 395,000 lbs/hr x 1 ton/2000 lbs	**537.2 lb/hr**
OXIDIZER:	5.43 x 64.8 lbs/hr x 1 ton/2000 lbs	**0.176 lb/hr**

[45CSR§6-4.1.; 45CSR13 - Permit R13-2334 - 5.1.1.]

5.1.2. No person shall cause, suffer, allow or permit emission of smoke into the atmosphere from any incinerator which is twenty (20%) percent opacity or greater.
[45CSR§6-4.3.; 45CSR13 - Permit R13-2334 - 5.1.2.]

5.1.3. Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.
[45CSR§6-4.6.; 45CSR13 - Permit R13-2334 - 5.1.3.]

5.1.4. No person shall cause, suffer, allow, or permit the emission into open air from any source operation an in-stack sulfur dioxide concentration exceeding 2000 ppm by volume from existing source operations. Note: "In-stack" concentration as interpreted for a flare means the exhaust concentration after combustion.
[45CSR§10-4.1.; 45CSR13 - Permit R13-2334 - 5.1.4.]

5.1.5. No owner or operator shall burn in any fuel gas combustion device any fuel gas that contains hydrogen sulfide (H_2S) in excess of 230 mg/dscm (0.10 gr/dscf). The combustion in a flare of process upset gases or fuel gas that is released to the flare as a result of relief valve leakage or other emergency malfunctions is exempt from this paragraph. Compliance with this limit shall demonstrate compliance with the 50 gr/100dscf limit from CO-SIP-95-1, Condition IV.9.
[40 C.F.R. §60.104(a)(1) and 45CSR§16-4.1; 45CSR13 - Permit R13-2334 - 5.1.5., and CO-SIP-95-1 - Condition IV.9. (SIPed)]

5.1.6. During ~~**all times of**~~ Truck Loading of gasoline, **VOC** emissions ~~**of VOC's**~~ shall be controlled by the Loading Rack Thermal Oxidizer (Emission Point ID Oxidizer). **Annual emissions from Truck Loading** ~~**and**~~ shall not exceed those listed in the table below.

Pollutant	TPY
CO	1.67
NO_x	0.31
PM	0.03
SO_2	0.14
VOC	**13.08** ~~9.07~~
Benzene	**0.61**~~0.37~~

[45CSR13 - Permit R13-2334 - 5.1.6. and 5.1.7.]

5.1.7. Emissions from the Main/Sour Gas Flare (Emission Point ID No. **F1**) shall not exceed those listed below. Note: The particulate matter emission factor is listed as being negligible, therefore PM is excluded from limits.

Pollutant	Emission Limit	
	TPM	TPY
CO	0.08	0.80
NO_x	0.03	0.22
SO_2	0.13	1.22
VOC	0.03	0.28

[45CSR13 - Permit R13-2334 - 5.1.8.]

5.1.8. Gas generated at the sour water stripper shall continue to be processed through the fuel gas treatment system and the Company shall exercise good operating and maintenance practices to maximize the utilization of the fuel gas treatment system to remove sulfur compounds from the sour gas stream and further provided, that in no event shall the emissions of sulfur dioxide from the sour gas flare exceed 18 lbs/hr.
[CO-SIP-95-1 - Condition IV.9. (SIPed)]

5.1.9. The facility shall implement programs to investigate the cause of Acid Gas Flaring Incidents, take reasonable steps to correct the conditions that have caused or contributed to Acid Gas Flaring Incidents, and minimize Acid Gas Flaring Incidents. Note: Acid Gas Flaring Incident shall mean the continuous or intermittent combustion of Acid Gas and/or Sour Water Stripper Gas that results in the emission of sulfur dioxide equal to, or in excess of five-hundred (500) pounds in any twenty-four (24) hour period; provided, however, that if five-hundred (500) pounds or more of sulfur dioxide have been emitted in a twenty-four (24) hour period and Flaring continues into subsequent, contiguous, non overlapping twenty-four (24) hour period(s), each period of which results in emissions equal to, or in excess of five-hundred (500) pounds of sulfur dioxide, then only one AG Flaring Incident shall have occurred. Subsequent, contiguous, non-overlapping periods are measured from the initial commencement of Flaring within the AG Flaring Incident.
45CSR13 - Permit R13-2334 - 5.1.9.]

5.1.10. The facility shall take, as expeditiously as practicable, such interim and/or long-term corrective actions, if any, as are consistent with good engineering practice to minimize the likelihood of a recurrence of the Root Cause and all contributing causes of the Acid Gas Flaring Incident(s) and/or Hydrocarbon Flaring Incident(s). Note: Root Cause shall mean the primary cause(s) of an AG Flaring Incident(s) and/or Hydrocarbon Flaring Incident(s) as determined through a process of investigation.
[45CSR13 - Permit R13-2334 - 5.1.10.]

5.1.11. The facility shall implement a program to investigate the cause of Hydrocarbon Flaring Incidents, take reasonable steps to correct the conditions that have caused or contributed to Hydrocarbon Flaring Incidents, and minimize Hydrocarbon Flaring Incidents. Note: Hydrocarbon Flaring Incident shall mean continuous or intermittent Hydrocarbon Flaring, except for Acid Gas or Sour Water Stripper Gas, at a Hydrocarbon Flaring Device that results in the emission of sulfur dioxide equal to, or greater than five hundred (500) pounds in a 24-hour period; provided, however, that if five-hundred (500) pounds or more of sulfur dioxide have been emitted in a twenty-four (24) hour period and Flaring continues into subsequent, contiguous, non overlapping twenty-four (24) hour period(s), each period of which results in emissions equal to, or in excess of five-hundred (500) pounds of sulfur dioxide, then only one HC Flaring Incident shall have occurred. Subsequent, contiguous, non-overlapping periods are measure from the initial commencement of Flaring within the HC Flaring Incident.
[45CSR13 - Permit R13-2334 - 5.1.11.]

~~**5.1.12. Kerosene loaded at the Truck Loading Rack (Emission Point ID: TLoad) shall not be greater than 46,000,000 gallons per year. Emissions associated with Kerosene Loading at this source shall not exceed 0.034 TPM of VOC and 0.34 TPY of VOC and shall not exceed the following HAP emissions:**~~

~~**Pollutant**~~	~~**TPY**~~
~~**VOC**~~	~~**0.34**~~
~~**Hexane**~~	~~**0.00003**~~
~~**Toluene**~~	~~**0.00044**~~
~~**Ethylbenzene**~~	~~**0.00044**~~
~~**Xylene**~~	~~**0.00105**~~

~~**[45CSR13 - Permit R13-2334 - 5.1.7.]**~~

5.2. Monitoring Requirements

5.2.1. The permittee shall monitor the PM emissions by conducting visible emissions checks in accordance with Section 4.2.1. of this permit.
[45CSR13 - R13-2334 - 5.2.1.]

5.2.2. To determine compliance with the monthly emission rate limits set forth in Section 5.1.7, the permittee shall maintain (records of) fuel gas usage/flow (scf/hr) and hours of operation for pilot and non-pilot conditions of the Main/Sour Gas Flare. Compliance with the yearly limit shall be based on a 12-month rolling total.
[45CSR13 - Permit R13-2334 - 5.2.2.]

5.2.3. To determine compliance with the **annual** ~~**monthly**~~ emission rate limits set forth in Section 5.1.6**,** ~~**and 5.1.12**~~ the permittee may estimate emissions using the monthly loading records, along with the appropriate emission factors for loading losses from AP-42, Chapter 5.2 (7/08). Compliance with the yearly limit shall be based on a 12-month rolling total in accordance with Section 2.1.4.
[45CSR13 - Permit R13-2334 - 5.2.3.]

5.2.4. The permittee shall install, calibrate, certify, operate, and maintain, according to the manufacturer's specifications, a continuous monitoring system (CMS). Where a thermal oxidation system is used, a continuous parameter monitoring system (CPMS) capable of measuring temperature shall be installed in the firebox or in the ductwork immediately downstream from the firebox in a position before any substantial heat exchange occurs. Monitoring an alternative operating parameter or a parameter of a vapor processing system other than those listed in this paragraph will be allowed upon demonstrating to the Administrator's satisfaction that the alternative parameter demonstrates continuous compliance with the emission standard in Section 5.1.6~~**12.**~~ of this permit.
[45CSR§30-12.7.]

5.3. Testing Requirements

5.3.1. The hydrogen sulfide concentrations of the sour gas stream used to determine daily compliance with Section 5.1.8. shall be determined on days when the fuel gas treatment system is not operating by running 2-hour samples of the hydrogen sulfide content of the water entering and exiting the sour water stripper unit. At least three (3) 2-hour samples shall be taken during each 24-hour period at approximately 8-hour intervals.
[CO-SIP-95-1 - Condition V.9. (SIPed)]

5.4. Recordkeeping Requirements

5.4.1. To determine compliance with emission limits set forth in Section 5.1.6. ~~**and 5.1.12.**~~, the permittee shall keep a monthly record of the volume and type of each product/product type loaded at each truck loading station and whether or not the VOC emissions were controlled using the loading rack thermal oxidizer. AP-42 emission factors for flares and transportation and marketing of petroleum liquids (Chapter 5.2, 1/95) may be used to estimate emissions. A control efficiency of 95% may be used for emissions estimations at times when the loading rack thermal oxidizer is being utilized to control emissions from loading.
[45CSR13 - Permit R13-2334 - 5.4.1.]

5.4.2. To determine compliance with the annual benzene emission limit set forth in Section 5.1.6., the permittee shall estimate the emissions using a material balances calculation utilizing the vapor weight of benzene present in petroleum liquids processed and transported at the facility. The following equation shall be to determine monthly and yearly emissions.

Benzene Emissions (tpm or tpy) = (Total VOCs (tpm or tpy)) x (Actual Benzene Vapor Weight %)

Compliance with the yearly limit shall be based on a 12-month rolling total in accordance with Section 2.1.4.
[45CSR13 - Permit R13-2334 - 5.4.2.]

5.5. Reporting Requirements

5.5.1. *Reserved*

5.6. Compliance Plan

5.6.1. None.

6.0 Other Source Requirements [CDU, MLD, MEK-TOL, and DHT-FUG]

6.1. Limitations and Standards

6.1.1. **Crude oil charge rate** into the crude oil distillation unit shall not exceed **730,000 barrels per month** and **7,300,000 barrels per year**.
[45CSR13 - Permit R13-2334 - 6.1.1.]

6.1.2. Emissions from the Marine Barge Loading Operation (Emission Point ID No. MLD) shall not exceed those listed in the following table:

Pollutant	Emission Rate	
	TPM	TPY
VOC	12.79	51.16
Benzene	**0.02** ~~**0.01**~~	**0.20** ~~**0.05**~~
Hexane	**0.05** ~~**0.01**~~	**0.55** ~~**0.01**~~
Toluene	**0.03** ~~**0.01**~~	**0.31** ~~**0.01**~~
Ethylbenzene	0.01	**0.11** ~~**0.01**~~
Xylene	**0.04** ~~**0.01**~~	**0.40** ~~**0.01**~~

[45CSR13 - Permit R13-2334 - 6.1.2.]

6.1.3. All vessels loaded from the Marine Loading Dock (Emission Point No. MLD) shall be submerged filled.
[45CSR13 - Permit R13-2334 - 6.1.3.]

6.1.4. The following products and respective quantities are permitted to be loaded into vessels from the Marine Loading Dock, which corresponds to the annual emission limits in Condition 6.1.2.

Table 6.1.4. - Products and Quantities	
Product	Quantity (Mgals/year)
Gasoline	11,260
Diesel	29,400
Kerosene	46,000
Lube Oil (heavy products)	10,500
Crude Oil (including oil with a vapor pressure up to 9.0 psia)	38,325

[45CSR13 - Permit R13-2334 - 6.1.4.]

6.1.5. Fugitive emissions of VOC's (MEK and Toluene) from the Solvent Dewaxing Unit (Emission Point ID No. **MEK-TOL**) shall not exceed **4.24 TPY**.
[45CSR13 - Permit R13-2334 - 6.1.5.]

6.1.6. The facility shall utilize the following internal leak definitions for valves and pumps in light liquid and/or gas/vapor service, unless other permit(s), regulations, or laws require the use of lower leak definitions:

a. Leak Definition for Valves. The facility shall utilize an internal leak definition of 500 ppm VOCs for the Refinery valves, excluding pressure relief devices.

b. Leak Definition for Pumps. The facility shall utilize an internal leak definition of 2000 ppm VOCs for the Refinery pumps.

[45CSR13 - Permit R13-2334 - 6.1.6.]

6.1.7. Fugitive emissions from the Diesel Hydrotreater (Emission Point ID No. DHT-FUG) shall not exceed the following:

Pollutant	Emission Rate
	TPY
VOC	13.20
Toluene	0.003
Ethylbenzene	0.001
Xylene	0.04

[45CSR13 - Permit R13-2334 - 6.1.7.]

6.2. Monitoring Requirements

6.2.1. None.

6.3. Testing Requirements

6.3.1. None

6.4. Recordkeeping Requirements

6.4.1. To determine compliance with the crude oil charge rate limits set forth in Section 6.1.1., the permittee shall keep daily records along with monthly and yearly totals of the amount of crude oil charged to the crude oil distillation unit. Compliance with the yearly limit shall be based on a 12-month rolling total in accordance with Section 2.1.4.
[45CSR13 - Permit R13-2334 - 6.2.1.]

6.4.2. To determine compliance with the VOC emission rate limits for the Marine Barge Loading Operation set forth in Sections 6.1.2, the permittee shall keep monthly records of the types and amounts of materials loaded by the operation. This information along with appropriate emission factors from AP-42 Chapter 5.2 (1/95) may be used to estimate monthly emissions. Compliance with the yearly limit shall be based on a 12-month rolling total in accordance with Section 2.1.4.
[45CSR13 - Permit R13-2334 - 6.2.2.]

6.4.3. To determine compliance with the short-term and annual benzene emission limits set forth in Section 6.1.2., the permittee shall estimate the emissions using a material balances calculation utilizing the vapor weight of benzene present in petroleum liquids processed and transported at the facility. The following equation shall be to determine monthly and yearly emissions.

Benzene Emissions (tpm or tpy) = (Total VOCs (tpm or tpy)) x (Actual Benzene Vapor Weight %)

Compliance with the yearly limit shall be based on a 12-month rolling total in accordance with Section 2.1.4.
[45CSR13 - Permit R13-2334 - 6.2.3.]

6.4.4. To determine compliance with VOC fugitive emission rate limits set forth in Sections 6.1.5, and 6.1.**7**, and the internal leak definitions set forth in Section 6.1.6, the permittee shall comply with the requirements of 40 CFR Part 60, Subpart VV, and apply the following Leak Detection and Repair (LDAR) program enhancements:

a. Emission Estimates. The permittee may use an enhanced LDAR program for controlling and estimating emissions on a monthly and yearly basis for the Solvent Dewaxing Unit. The permittee may use EPA's Correlation Approach, published in EPA's Protocol for Equipment Leak Emission Estimates, with measured screening values and hours of operation to determine compliance with the emission limits.

[45CSR13 - Permit R13-2334 - 6.2.4.]

6.5. Reporting Requirements

6.5.1. None.

6.6. Compliance Plan

6.6.1. None.

7.0 Tank Requirements

Emission Unit	Designation	Applicable Rule	Limits Section 7.1.	Monitoring Section 7.2.	Recordkeeping Section 7.4.
TK-4000	Kb	45CSR13	1, 2, 4, 6	1, 2	1, 2, 4, 5
		45CSR30			2
		40 CFR 60 and 45CSR16	6	2	4, 5
TK-4001	K	45CSR13	1, 2, 4, 5	1	1, 2, 3
		45CSR30			2
		40 CFR 60 and 45CSR16	5		3
TK-4002, TK-4003		45CSR13	1, 2, 4	1	1, 2
		45CSR30			2
TK-4004, TK-4005, TK-4006, TK-4014, TK-4015, TK-4016		45CSR13	1, 4	1	1, 2
		45CSR30			2
TK-4007, TK-4008, TK-4010, TK-4017, TK-4019, TK-4020, TK-4021, TK-4022, TK-4023, TK-4024, TK-4025, TK-4026 TK-4027, TK-4028, TK-4029, TK-4030, TK-4031, TK-4032, TK-4033		45CSR13	1		1, 2
		45CSR30			2
TK-4009, TK-4011		45CSR13	1, 2		1, 2
		45CSR30			2
TK-4012, TK-4013		45CSR13	1, 2, 3	1	1, 2
		45CSR30			2
TK-4018, TK-4052, TK-4053		45CSR13	1, 6	2	1, 2, 4, 5
		45CSR30			2
		40 CFR 60 and 45CSR16	6	2	4, 5
TK-4034, TK-4048, TK-4056, TK-4057, TK-4060, TK-4061, TK-4062	Kb	45CSR13	1, 6	2	1, 2, 4, 5
		45CSR30			2
		40 CFR 60 and 45CSR16	6	2	4, 5

Emission Unit	Designation	Applicable Rule	Limits Section 7.1.	Monitoring Section 7.2.	Recordkeeping Section 7.4.
TK-4035	Ka	45CSR13	1, 5		1, 2, 3
		45CSR30			2
		40 CFR 60 and 45CSR16	5		3
TK-4036, TK-4037, TK-4038, TK-4039	K	45CSR13	1, 5		1, 2, 3
		45CSR30			2
		40 CFR 60 and 45CSR16	5		3
TK-4040, TK-4042, TK-4043, TK-4044, TK-4045, TK-4046	Ka	45CSR13	1		1, 2
		45CSR30			2
TK-4041		45CSR13	1, 5		1, 2, 3
		45CSR30			2
		40 CFR 60 and 45CSR16	5		3
TK-4047, TK-4051		45CSR13	1		1, 2
		45CSR30			2
TK-4050	Kb	45CSR13	1	2	1, 2
		45CSR30			2
		40 CFR 60 and 45CSR16		2	
TK-4054, TK-4055	Kb	45CSR13	1, 2, 6	2	1, 2, 4 (TK-4054 only), 5 (TK-4054 only)
		45CSR30			2
		40 CFR 60 and 45CSR16	6	2	4 (TK-4054 only), 5 (TK-4054 only)
TK-4103, TK-4104		45CSR13	1		1, 2
		45CSR30			2

7.1. Limitations and Standards

7.1.1. Emissions from the tanks listed in the following table shall not exceed a combined total of the following: **8.99 TPM** and **35.94 TPY** of **VOC** and **0.17 TPM** and **0.72 TPY** of **Benzene** and shall be limited to storing the associated raw material/product types and combined throughput rate as follows:

Tank ID No.	Raw Material/Product Type (gallons/year)
4000, 4001, 4002, 4060, 4061 and 4062	crude oil (613,200,000)
4062	Crude oil w/vapor pressure up to 9.0 psia (68,997,600)
4004, 4005, 4006, 4012, 4013, 4014, 4015, 4016, 4050, 4052, and 4053	gasoline or ethanol (267,840,300)
4003, 4009, 4011, 4054, 4055, 4056, and 4057	heavy products or kerosene (304,259,760)
4007, 4008, 4010, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4051, 4103, and 4104	heavy products (550,817,989)

[45CSR13 - Permit R13-2334 - 7.1.1.]

7.1.2. Emissions from the tanks listed in the table shall not exceed the following:

Tank ID No.	Pollutant	Emission Rate
		TPY
4000, 4001, 4002, 4003, 4009, 4011, 4012, 4013, 4054, 4055	Hexane	0.038
	Benzene	0.064
	Isooctane	0.105
	Toluene	0.212
	Ethylbenzene	0.051
	Xylene	0.238
	Isopropyl Benzene	0.016

[45CSR13 - Permit R13-2334 - 7.1.2.]

7.1.3. Fixed roof **Tanks 4012 and 4013** shall be equipped with internal floating roofs to minimize emissions of VOC's.
[45CSR13 - Permit R13-2334 - 7.1.3.]

7.1.4. The following requirements apply to **Tanks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4014, 4015, and 4016**:

a. Each and every slotted guidepole that passes through the floating roof shall be equipped with one of the following: a pole float system; an alternate control technology that has an emission factor less than or equal to the emission factor for a pole float system; a pole sleeve system; an internal sleeve emission control system; a solid guidepole system; a flexible enclosure system; or

b. In the alternative, the Permittee may elect to cover an external floating roof tank with a fixed roof mounted on the tank above the external floating roof, or remove the tank from the service storing liquids subject to NSPS Ka or Kb, modify the permit for that tank, and represent to the West Virginia Division of Air Quality that the tank will not be used to store certain petroleum liquids or volatile organic liquids.

c. For systems that use a sliding cover, the sliding cover shall be in place over the slotted-guidepole opening in the floating roof at all times, except, when the sliding cover must be removed for access. If the control technology used includes a guidepole float, the float shall be floating within the guidepole at all times except when it must be removed for access to the stored liquid or when the tank is empty.

d. The permittee shall visually inspect the deck fitting for the slotted guidepole at least once every ten (10) years and each time the vessel is emptied and degassed. If the slotted guidepole deck fitting or control device has defects, or if a gap that is more than 0.32 centimeters (1/8 inch) exists between any gasket required for control of the slotted guidepole deck fitting and any surface that it is intended to seal, such items shall be repaired before filling or refilling the storage vessel with regulated material.

e. Tanks taken out of hydrocarbon service, for any reason, do not have to have any controls in place during the time they are taken out of service. Tanks taken out of service must have in place, prior to being put back into service, all controls necessary to remain below the emission limits set forth by the current version of permit R13-2334.

[45CSR13 - Permit R13-2334 - 7.1.4. and 7.1.5.]

7.1.5. The following requirements apply to **Tanks 4001, 4035, 4036, 4037, 4038, 4039, and 4041**:

The owner or operator of any storage vessel to which 40 C.F.R. Part 60 subpart K applies shall store petroleum liquids as follows: if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 78 mm Hg (1.5 psia) but not greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents.

[40 C.F.R. § 60.112(a)(1) and 45CSR§16-2.1.; 45CSR13 - Permit R13-2334 - 7.1.6.]

7.1.6. The following requirements apply to **Tanks 4000, 4018, 4034, 4048, 4052, 4053, 4054, 4056, 4057, 4060, 4061, and 4062**:

a. 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:

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 well 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. An external floating roof means a pontoon-type or double-deck type cover that rests on the liquid surface in a vessel with no fixed roof. Each external floating roof must meet the following specifications:

i. 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.

A. The primary seal shall be either a mechanical shoe seal or a liquid-mounted seal. Except as provided in 40 C.F.R. § 60.113b(b)(4), the seal shall completely cover the annular space between the edge of the floating roof and tank wall.

B. 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 40 C.F.R. § 60.113b(b)(4).

ii. 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 legs 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.

iii. 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.

3. 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 40 C.F.R. 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 (40 C.F.R. § 60.18) of the General Provisions.

4. A system equivalent to those described in paragraphs a.1., a.2., or a.3. above as provided in 40 C.F.R. § 60.114b.

b. The owner or operator of each storage vessel with a design capacity greater than or equal to 75 m^3 which contains a VOL that, as stored, has a maximum true vapor pressure greater than or equal to 76.6 kPa shall equip each storage vessel with one of the following:

1. A closed vent system and control device as specified in 40 C.F.R. § 60.112b(a)(3).

2. A system equivalent to that described in paragraph b.1. above as provided in 40 C.F.R. § 60.114b.

[40 C.F.R. § 60.112b(a) and (b) and 45CSR§16-2.1.; 45CSR13 - Permit R13-2334 - 7.1.7.]

7.2. Monitoring Requirements

7.2.1. Compliance with Sections 7.1.3., and 7.1.4. may be determined by visual inspection by the Director or a duly authorized representative of the Director.
[45CSR13 - Permit R13-2334 - 7.2.1.]

7.2.2. The following requirements apply to **Tanks 4000, 4018, 4034, 4048, 4050, 4052, 4053, 4054, 4055, 4056, 4057, 4060, 4061, and 4062:**

The owner or operator of each storage vessel as specified in 40 C.F.R. § 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 40 C.F.R. § 60.112b.

a. After installing the control equipment required to meet 40 C.F.R. § 60.112b(a)(1) (permanently affixed roof and internal floating roof), each owner or operator shall:

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 40 C.F.R. § 60.115b(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 § 60.112b(a)(1)(ii)(B) :

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

   ii. Visually inspect the vessel as specified in paragraph a.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. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in paragraphs a.2. and a.3.ii. of this section and at intervals no greater than 5 years in the case of vessels specified in paragraph a.3.i. of this section.

b. After installing the control equipment required to meet 40 C.F.R. § 60.112b(a)(2) (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. of this section.

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 40 C.F.R. § 60.113b(b)(4) (i) and (ii).

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.

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 40 C.F.R. Part 60 subpart K, 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 ^{o}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

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.

d. The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in § 60.112b (a)(3) or (b)(2) shall meet the requirements as specified in the general control device requirements, § 60.18 (e) and (f).

[40 C.F.R. § 60.113b and 45CSR§16-2.1.; 45CSR13 - Permit R13-2334 - 7.2.2., 7.2.3.]

7.3. Testing Requirements

7.3.1. None.

7.4. Recordkeeping Requirements

7.4.1. To determine compliance with VOC emission limit set forth in 7.1.1., the permittee shall keep monthly records of throughput of each raw material/product for each tank. These records shall be kept individually, i.e. per tank. AP-42 emission factors for organic liquid storage tanks (Supp. D, Chapter 7.1), may be used to estimate yearly emissions.
[45CSR13 - Permit R13-2334 - 7.3.1.]

7.4.2. To determine compliance with the short-term and annual HAP emission limits set forth in Sections 7.1.1. and 7.1.2., the permittee shall estimate the emissions using a material balances calculation utilizing the vapor weight of HAPs present in petroleum liquids processed and transported at the facility. The following equation shall be to determine monthly and yearly emissions.

HAP Emissions (tpm or tpy) = [(Individual HAP %) x (Actual VOC emissions, obtained from section 7.4.1. (tpm or tpy))/100

Compliance with the yearly limit shall be based on a 12-month rolling total in accordance with Section 2.1.4.
[45CSR13 - Permit R13-2334 - 7.3.2.; 45CSR§30-5.1.c.]

7.4.3. The following requirements apply to **Tanks 4001, 4035, 4036, 4037, 4038, 4039, and 4041:**

Except as provided in 40 C.F.R. § 60.113(d), the owner or operator subject to 40 C.F.R. Part 60 subpart K shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.
[40 C.F.R. § 60.112(a) and 45CSR§16-2.1.; 45CSR13 - Permit R13-2334 - 7.3.3.]

7.4.4. The following requirements apply to **Tanks 4000, 4018, 4034, 4048, 4052, 4053, 4054, 4056, 4057, 4060, 4061, and 4062:**

The owner or operator of each storage vessel as specified in 40 C.F.R. § 60.112b(a) shall keep records and furnish reports as required by 40 C.F.R. § 60.115b paragraphs (a), (b), or (c) depending upon the control equipment installed to meet the requirements of 40 C.F.R. § 60.112b. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by 40 C.F.R. § 60.115b(c)(1), for at least 2 years. The record required by 40 C.F.R. § 60.115b (c)(1) will be kept for the life of the control equipment.
[40 C.F.R. § 60.115b and 45CSR§16-2.1; 45CSR13 - Permit R13-2334 - 7.3.4.]

7.4.5. The following requirements apply to **Tanks 4000, 4018, 4034, 4048, 4052, 4053, 4054, 4056, 4057, 4060, 4061 and 4062**:

(a) The owner or operator shall keep copies of all records required by 40 C.F.R. Part 60 Subpart Kb, 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.

(b) The owner or operator of each storage vessel as specified in 40 C.F.R. § 60.110b(a) shall keep readily accessible records showing the dimension and an analysis showing the capacity of the storage vessel.

(c) Except as provided in paragraphs (f) and (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 3.5 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure greater than or equal to 15.0 kPa 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.

(d) Except as provided in paragraph (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 5.2 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure that is normally less than 27.6 kPa shall notify the Administrator within 30 days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor pressure values for each volume range.

(e) Available data on the storage temperature may be used to determine the maximum true vapor pressure as determined below.

(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.

(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.

(f) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements.

(1) Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in paragraph (e) of this section.

(2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in 40 C.F.R. §60.112b(a), an initial physical test of the vapor pressure is required; and a physical test at least once every 6 months thereafter is required as determined by the following methods:

(i) ASTM D2879-83, 96, or 97 (incorporated by reference -- see 40 C.F.R. § 60.17); or

(ii) ASTM D323-82 or 94 (incorporated by reference -- see 40 C.F.R. § 60.17); or

(iii) As measured by an appropriate method as approved by the Administrator.

(g) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specification of 40 C.F.R. § 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.

[40 C.F.R. § 60.116b and 45CSR§16-2.1, 45CSR13 - Permit R13-2334 - 7.3.5.]

7.5. Reporting Requirements

7.5.1. None.

7.6. Compliance Plan

7.6.1. None.

8.0 Source-Specific Requirements [Equipment Leaks]

8.1. Limitations and Standards

8.1.1. a. Each owner or operator subject to the provisions of this subpart shall comply with the requirements of 40 CFR §§ 60.692-1 to 60.692-5 and with §§ 60.693-1 and 60.693-2, except during periods of startup, shutdown, or malfunction.

b. Compliance with 40 CFR §§ 60.692-1 to 60.692-5 and with §§ 60.693-1 and 60.693-2 will be determined by review of records and reports, review of performance test results, and inspection using the methods and procedures specified in § 60.696.

c. 1. Stormwater sewer systems are not subject to the requirements of this subpart.

2. Ancillary equipment, which is physically separate from the wastewater system and does not come in contact with or store oily wastewater, is not subject to the requirements of this subpart.

3. Non-contact cooling water systems are not subject to the requirements of this subpart.

4. An owner or operator shall demonstrate compliance with the exclusions in paragraphs c.1., 2., and 3. of this section as provided in 40 CFR § 60.697 (h), (i), and (j).

[40 CFR § 60.692-1(a), (b), and (d) and 45CSR16; 45CSR13 - Permit R13-2334 - 9.0.]

8.1.2. **Individual drain systems.**

a. 1. Each drain shall be equipped with water seal controls.

2. Each drain in active service shall be checked by visual or physical inspection initially and monthly thereafter for indications of low water levels or other conditions that would reduce the effectiveness of the water seal controls.

3. Each drain out of active service shall be checked by visual or physical inspection initially and weekly thereafter for indications of low water levels or other problems that could result in VOC emissions.

4. Whenever low water levels or missing or improperly installed caps or plugs are identified, water shall be added or first efforts at repair shall be made as soon as practicable, but not later than 24 hours after detection, except as provided in 40 CFR § 60.692-6.

b. 1. Junction boxes shall be equipped with a cover and may have an open vent pipe. The vent pipe shall be at least 90 cm (3 ft) in length and shall not exceed 10.2 cm (4 in) in diameter.

2. Junction box covers shall have a tight seal around the edge and shall be kept in place at all times, except during inspection and maintenance.

3. Junction boxes shall be visually inspected initially and semiannually thereafter to ensure that the cover is in place and to ensure that the cover has a tight seal around the edge.

4. If a broken seal or gap is identified, first effort at repair shall be made as soon as practicable, but not later than 15 calendar days after the broken seal or gap is identified, except as provided in 40 CFR § 60.692-6.

c. 1. Sewer lines shall not be open to the atmosphere and shall be covered or enclosed in a manner so as to have no visual gaps or cracks in joints, seals, or other emission interfaces.

2. The portion of each unburied sewer line shall be visually inspected initially and semiannually thereafter for indication of cracks, gaps, or other problems that could result in VOC emissions.

3. Whenever cracks, gaps, or other problems are detected, repairs shall be made as soon as practicable, but not later than 15 calendar days after identification, except as provided in 40 CFR § 60.692-6.

d. Except as provided in paragraph e. of this section, each modified or reconstructed individual drain system that has a catch basin in the existing configuration prior to May 4, 1987 shall be exempt from the provisions of this section.

e. Refinery wastewater routed through new process drains and a new first common downstream junction box, either as part of a new individual drain system or an existing individual drain system, shall not be routed through a downstream catch basin.

[40 CFR § 60.692-2 and 45CSR16; 45CSR13 - Permit R13-2334 - 9.0.]

8.1.3. **Oil-water separators.**

a. Each oil-water separator tank, slop oil tank, storage vessel, or other auxiliary equipment subject to the requirements of this subpart shall be equipped and operated with a fixed roof, which meets the following specifications, except as provided in paragraph c. of this section or in 40 CFR § 60.693-2.

1. The fixed roof shall be installed to completely cover the separator tank, slop oil tank, storage vessel, or other auxiliary equipment with no separation between the roof and the wall.

2. The vapor space under a fixed roof shall not be purged unless the vapor is directed to a control device.

3. If the roof has access doors or openings, such doors or openings shall be gasketed, latched, and kept closed at all times during operation of the separator system, except during inspection and maintenance.

4. Roof seals, access doors, and other openings shall be checked by visual inspection initially and semiannually thereafter to ensure that no cracks or gaps occur between the roof and wall and that access doors and other openings are closed and gasketed properly.

5. When a broken seal or gasket or other problem is identified, first efforts at repair shall be made as soon as practicable, but not later than 15 calendar days after it is identified, except as provided in 40 CFR § 60.692-6.

b. Each oil-water separator tank or auxiliary equipment with a design capacity to treat more than 16 liters per second (250 gallons per minute (gpm)) of refinery wastewater shall, in addition to the requirements in paragraph a. of this section, be equipped and operated with a closed vent system and control device, which meet the requirements of 40 CFR § 60.692-5.

c. Storage vessels, including slop oil tanks and other auxiliary tanks that are subject to the standards in 40 CFR §§ 60.112, 60.112a, and 60.112b and associated requirements, 40 CFR part 60, subparts K, Ka, or Kb are not subject to the requirements of this section.

d. Slop oil from an oil-water separator tank and oily wastewater from slop oil handling equipment shall be collected, stored, transported, recycled, reused, or disposed of in an enclosed system. Once slop oil is returned to the process unit or is disposed of, it is no longer within the scope of 40CFR Part 60, Subpart QQQ. Equipment used in handling slop oil shall be equipped with a fixed roof meeting the requirements of paragraph a. of this section.

e. Each oil-water separator tank, slop oil tank, storage vessel, or other auxiliary equipment that is required to comply with paragraph a. of this section, and not paragraph b. of this section, may be equipped with a pressure control valve as necessary for proper system operation. The pressure control valve shall be set at the maximum pressure necessary for proper system operation, but such that the value will not vent continuously.

[40 CFR § 60.692-3 (a), (b), (d), (e), and (f) and 45CSR16; 45CSR13-2334 - 9.0.]

8.1.4. **Alternative standards for oil-water separators.**

a. An owner or operator may elect to construct and operate a floating roof on an oil-water separator tank, slop oil tank, storage vessel, or other auxiliary equipment subject to the requirements of this subpart which meets the following specifications.

1. Each floating roof shall be equipped with a closure device between the wall of the separator and the roof edge. The closure device is to consist of a primary seal and a secondary seal.

i. The primary seal shall be a liquid-mounted seal or a mechanical shoe seal.

A. A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the separator and the floating roof. A mechanical shoe seal means a metal sheet held vertically against the wall of the separator 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.

B. The gap width between the primary seal and the separator wall shall not exceed 3.8 cm (1.5 in.) at any point.

C. The total gap area between the primary seal and the separator wall shall not exceed 67 cm2/m (3.2 in.2/ft) of separator wall perimeter.

ii. The secondary seal shall be above the primary seal and cover the annular space between the floating roof and the wall of the separator.

A. The gap width between the secondary seal and the separator wall shall not exceed 1.3 cm (0.5 in.) at any point.

B. The total gap area between the secondary seal and the separator wall shall not exceed 6.7 cm2/m (0.32 in.2/ft) of separator wall perimeter.

iii. The maximum gap width and total gap area shall be determined by the methods and procedures specified in 40 CFR § 60.696(d).

A. Measurement of primary seal gaps shall be performed within 60 calendar days after initial installation of the floating roof and introduction of refinery wastewater and once every 5 years thereafter.

B. Measurement of secondary seal gaps shall be performed within 60 calendar days of initial introduction of refinery wastewater and once every year thereafter.

iv. The owner or operator shall make necessary repairs within 30 calendar days of identification of seals not meeting the requirements listed in paragraphs a.1.i. and ii. of this section.

2. Except as provided in paragraph a.4. of this section, each opening in the roof shall be equipped with a gasketed cover, seal, or lid, which shall be maintained in a closed position at all times, except during inspection and maintenance.

3. The roof shall be floating on the liquid (i.e., off the roof supports) at all times except during abnormal conditions (i.e., low flow rate).

4. The floating roof may be equipped with one or more emergency roof drains for removal of stormwater. Each emergency roof drain shall be fitted with a slotted membrane fabric cover that covers at least 90 percent of the drain opening area or a flexible fabric sleeve seal.

5. i. Access doors and other openings shall be visually inspected initially and semiannually thereafter to ensure that there is a tight fit around the edges and to identify other problems that could result in VOC emissions.

ii. When a broken seal or gasket on an access door or other opening is identified, it shall be repaired as soon as practicable, but not later than 30 calendar days after it is identified, except as provided in 40 CFR § 60.692-6.

b. An owner or operator must notify the Administrator in the report required by 40 CFR 60.7 that the owner or operator has elected to construct and operate a floating roof under paragraph a. of this section.

c. For portions of the oil-water separator tank where it is infeasible to construct and operate a floating roof, such as the skimmer mechanism and weirs, a fixed roof meeting the requirements of 40 CFR § 60.692-3(a) shall be installed.

d. Except as provided in paragraph c. of this section, if an owner or operator elects to comply with the provisions of this section, then the owner or operator does not need to comply with the provisions of 40 CFR §§ 60.692-3 or 60.694 applicable to the same facilities.

[40 CFR § 60.693-2 and 45CSR 16; 45CSR13 - Permit-2334 - 9.0.]

8.1.5. **Aggregate facility.**

A new, modified, or reconstructed aggregate facility shall comply with the requirements of 40 CFR §§ 60.692-2 and 60.692-3.

[40 CFR § 60.692-4 and 45CSR16; 45CSR13 - Permit R132-2334 - 9.0.]

8.1.6. **Closed vent systems and control devices.**

a. Vapor recovery systems (for example, condensers and adsorbers) shall be designed and operated to recover the VOC emissions vented to them with an efficiency of 95 percent or greater.

b. Closed vent systems and control devices used to comply with provisions of this subpart shall be operated at all times when emissions may be vented to them.

c. 1. Closed vent systems shall be designed and operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as determined during the initial and semiannual inspections by the methods specified in 40 CFR § 60.696.

2. Closed vent systems shall be purged to direct vapor to the control device.

3. A flow indicator shall be installed on a vent stream to a control device to ensure that the vapors are being routed to the device.

4. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

5. When emissions from a closed system are detected, first efforts at repair to eliminate the emissions shall be made as soon as practicable, but not later than 30 calendar days from the date the emissions are detected, except as provided in 40 CFR § 60.692-6.

[40 CFR §§ 60.692-5(b), (d), and (e) and 45CSR16; 45CSR13 - Permit R13-2334 - 9.0.]

8.1.7. **Delay of repair.**

a. Delay of repair of facilities that are subject to the provisions of this subpart will be allowed if the repair is technically impossible without a complete or partial refinery or process unit shutdown.

b. Repair of such equipment shall occur before the end of the next refinery or process unit shutdown.

[40 CFR § 60.692-6 and 45CSR16; 45CSR13 - Permit R13-2334 - 9.0.]

8.2. Monitoring Requirements

8.2.1. Each owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate according to manufacturer's specifications the following equipment, unless alternative monitoring procedures or requirements are approved for that facility by the Administrator.

a. Where a carbon adsorber is used for VOC emissions reduction, a monitoring device that continuously indicates and records the VOC concentration level or reading of organics in the exhaust gases of the control device outlet gas stream or inlet and outlet gas stream shall be used.

For a carbon adsorption system that does not regenerate the carbon bed directly onsite in the control device (e.g., a carbon canister), the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system shall be monitored on a regular schedule, and the existing carbon shall be replaced with fresh carbon immediately when carbon breakthrough is indicated. The device shall be monitored on a daily basis or at intervals no greater than 20 percent of the design carbon replacement interval, whichever is greater. As an alternative to conducting this monitoring, an owner or operator may replace the carbon in the carbon adsorption system with fresh carbon at a regular predetermined time interval that is less than the carbon replacement interval that is determined by the maximum design flow rate and organic concentration in the gas stream vented to the carbon adsorption system.

[40 CFR § 60.695(a)(3)(ii) and 45CSR16; 45CSR13 - Permit R13-2334 - 9.0.]

8.3. Testing Requirements

8.3.1. Before using any equipment installed in compliance with the requirements of 40 CFR § 60.692-2, § 60.692-3, § 60.692-4, § 60.692-5, or § 60.693, the owner or operator shall inspect such equipment for indications of potential emissions, defects, or other problems that may cause the requirements of this subpart not to be met. Points of inspection shall include, but are not limited to, seals, flanges, joints, gaskets, hatches, caps, and plugs.
[40 CFR § 60.696(a) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.3.2. The owner or operator of each source that is equipped with a closed vent system and control device as required in 40 CFR § 60.692-5 (other than a flare) is exempt from § 60.8 of the General Provisions and shall use Method 21 to measure the emission concentrations, using 500 ppm as the no detectable emission limit. The instrument shall be calibrated each day before using. The calibration gases shall be:

a. Zero air (less than 10 ppm of hydrocarbon in air), and

b. A mixture of either methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

[40 CFR § 60.696(b) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.4. Recordkeeping Requirements

8.4.1. Each owner or operator of a facility subject to the provisions of this subpart shall comply with the record keeping requirements of this section. All records shall be retained for a period of 2 years after being recorded unless otherwise noted.
[40 CFR § 60.697(a) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.4.2. a. For individual drain systems subject to 40 CFR § 60.692-2, the location, date, and corrective action shall be recorded for each drain when the water seal is dry or otherwise breached, when a drain cap or plug is missing or improperly installed, or other problem is identified that could result in VOC emissions, as determined during the initial and periodic visual or physical inspection.

b. For junction boxes subject to 40 § 60.692-2, the location, date, and corrective action shall be recorded for inspections required by 40 CFR § 60.692-2(b) when a broken seal, gap, or other problem is identified that could result in VOC emissions.

c. For sewer lines subject to 40 CFR §§ 60.692-2 and 60.693-1(e), the location, date, and corrective action shall be recorded for inspections required by 40 CFR §§ 60.692-2(c) and 60.693-1(e) when a problem is identified that could result in VOC emissions.
[40 CFR § 60.697(b) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.4.3. For oil-water separators subject to 40 CFR § 60.692-3, the location, date, and corrective action shall be recorded for inspections required by 40 CFR § 60.692-3(a) when a problem is identified that could result in VOC emissions.
[40 CFR § 60.697(c) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.4.4. For closed vent systems subject to 40 CFR § 60.692-5 and completely closed drain systems subject to 40 CFR § 60.693-1, the location, date, and corrective action shall be recorded for inspections required by 40 CFR § 60.692-5(e) during which detectable emissions are measured or a problem is identified that could result in VOC emissions.
[40 CFR § 60.697(d) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.4.5. a. If an emission point cannot be repaired or corrected without a process unit shutdown, the expected date of a successful repair shall be recorded.

b. The reason for the delay as specified in 40 CFR § 60.692-6 shall be recorded if an emission point or equipment problem is not repaired or corrected in the specified amount of time.

c. The signature of the owner or operator (or designee) whose decision it was that repair could not be effected without refinery or process shutdown shall be recorded.

d. The date of successful repair or corrective action shall be recorded.
[40 CFR § 60.697(e) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.4.6. a. A copy of the design specifications for all equipment used to comply with the provisions of this subpart shall be kept for the life of the source in a readily accessible location.

b. The following information pertaining to the design specifications shall be kept.

i. Detailed schematics, and piping and instrumentation diagrams.

ii. The dates and descriptions of any changes in the design specifications.

c. The following information pertaining to the operation and maintenance of closed drain systems and closed vent systems shall be kept in a readily accessible location.

i. Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions shall be kept for the life of the facility. This documentation is to include a general description of the gas streams that enter the control device, including flow and volatile organic compound content under varying liquid level conditions (dynamic and static) and manufacturer's design specifications for the control device. If an enclosed combustion device with a minimum residence time of 0.75 seconds and a minimum temperature of 816 ^{o}C (1,500 ^{o}F) is used to meet the 95-percent requirement, documentation that those conditions exist is sufficient to meet the requirements of this paragraph.

ii. For a carbon adsorption system that does not regenerate the carbon bed directly onsite in the control device such as a carbon canister, the design analysis shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis shall also establish the design exhaust vent stream organic compound concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed, and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

iii. Dates of startup and shutdown of the closed vent system and control devices required in 40CFR § 60.692 shall be recorded and kept for 2 years after the information is recorded.

iv. The dates of each measurement of detectable emissions required in 40 CFR §§ 60.692, 60.693, or 60.692-5 shall be recorded and kept for 2 years after the information is recorded.

v. The background level measured during each detectable emissions measurement shall be recorded and kept for 2 years after the information is recorded.

vi. The maximum instrument reading measured during each detectable emission measurement shall be recorded and kept for 2 years after the information is recorded.

vi. Each owner or operator of an affected facility that uses a carbon adsorber shall maintain continuous records of the VOC concentration level or reading of organics of the control device outlet gas stream or inlet and outlet gas stream and records of all 3-hour periods of operation during which the average VOC concentration level or reading of organics in the exhaust gases, or inlet and outlet gas stream, is more than 20 percent greater than the design exhaust gas concentration level, and shall keep such records for 2 years after the information is recorded.

If a carbon adsorber that is not regenerated directly onsite in the control device is used, then the owner or operator shall maintain records of dates and times when the control device is monitored, when breakthrough is measured, and shall record the date and time that the existing carbon in the control device is replaced with fresh carbon.

[40 CFR § 60.697(f) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.4.7. For stormwater sewer systems subject to the exclusion in 40 CFR § 60.692-1(d)(1), an owner or operator shall keep for the life of the facility in a readily accessible location, plans or specifications which demonstrate that no wastewater from any process units or equipment is directly discharged to the stormwater sewer system.
[40 CFR § 60.697(h) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.4.8. For ancillary equipment subject to the exclusion in 40 CFR § 60.692-1(d)(2), an owner or operator shall keep for the life of a facility in a readily accessible location, plans or specifications which demonstrate that the ancillary equipment does not come in contact with or store oily wastewater.
[40 CFR § 60.697(i) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.4.9. For oil-water separators subject to 40 CFR § 60.693-2, the location, date, and corrective action shall be recorded for inspections required by 40 CFR §§ 60.693-2(a)(1)(iii)(A) and (B), and shall be maintained for the time periods specified in paragraphs a. and b. below.

a. For inspections required by 40 CFR § 60.693-2(a)(1)(iii)(A), ten years after the information is recorded.

b. For inspections required by 40 CFR § 60.693-2(a)(1)(iii)(B), two years after the information is recorded.

[40 CFR § 60.697(k) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.5. Reporting Requirements

8.5.1. Each owner or operator of a facility subject to this subpart shall submit to the Administrator within 60 days after initial startup a certification that the equipment necessary to comply with these standards has been installed and that the required initial inspections or tests of process drains, sewer lines, junction boxes, oil-water separators, and closed vent systems and control devices have been carried out in accordance with these standards. Thereafter, the owner or operator shall submit to the Administrator semiannually a certification that all of the required inspections have been carried out in accordance with these standards.
[40 CFR § 60.698(b)(1) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.5.2. A report that summarizes all inspections when a water seal was dry or otherwise breached, when a drain cap or plug was missing or improperly installed, or when cracks, gaps, or other problems were identified that could result in VOC emissions, including information about the repairs or corrective action taken, shall be submitted initially and semiannually thereafter to the Administrator.
[40 CFR § 60.698(c) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.5.3. As applicable, a report shall be submitted semiannually to the Administrator that indicates:

Each 3-hour period of operation during which the average VOC concentration level or reading of organics in the exhaust gases from a carbon adsorber is more than 20 percent greater than the design exhaust gas concentration level or reading.

Each occurrence when the carbon in a carbon adsorber system that is not regenerated directly onsite in the control device is not replaced at the predetermined interval specified in § 60.695(a)(3)(ii).
[40 CFR §§ 60.698(d)(3) and (d)(3)(ii) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.5.4. If compliance with the provisions of this subpart is delayed pursuant to 40 CFR § 60.692-7, the notification required under 40 CFR 60.7(a)(4) shall include the estimated date of the next scheduled refinery or process unit shutdown after the date of notification and the reason why compliance with the standards is technically impossible without a refinery or process unit shutdown.
[40 CFR § 60.698(e) and 45CSR16; 45CSR13 - R13-2334 - 9.0.]

8.6. Compliance Plan

8.6.1. None.

9.0 Benzene Waste Operations Requirements from 40 C.F.R. Part 61 Subpart FF

HAPs Emission Standards. The permitted facility shall comply with all applicable provisions of 45CSR34, which, by incorporation, subjects the facility to the provisions of 40 CFR 61 Subpart FF - National Emission Standard for Benzene Waste Operations, provided, however, that compliance with any more stringent limitation set forth under Conditions 5.1.6., 6.1.2. and 7.1.1. of this permit shall also be demonstrated.
[45CSR13 - Permit R13-2334 - 3.1.9.]

9.1. Limitations and Standards

9.1.1. An owner or operator of a facility at which the total annual benzene quantity from facility waste is less than 10 megagrams per year (Mg/yr) (11 ton/yr) shall be exempt from the requirements of 40 CFR § 61.342 (b) and (c). The total annual benzene quantity from facility waste is the sum of the annual benzene quantity for each waste stream at the facility that has a flow-weighted annual average water content greater than 10 percent or that is mixed with water, or other wastes, at any time and the mixture has an annual average water content greater than 10 percent. The benzene quantity in a waste stream is to be counted only once without multiple counting if other waste streams are mixed with or generated from the original waste stream. Other specific requirements for calculating the total annual benzene waste quantity are as follows:

a. Wastes that are exempted from control under 40 C.F.R. §§ 61.342(c)(2) and 61.342(c)(3) are included in the calculation of the total annual benzene quantity if they have an annual average water content greater than 10 percent, or if they are mixed with water or other wastes at any time and the mixture has an annual average water content greater than 10 percent.

b. The benzene in a material subject to this subpart that is sold is included in the calculation of the total annual benzene quantity if the material has an annual average water content greater than 10 percent.

c. Benzene in wastes generated by remediation activities conducted at the facility, such as the excavation of contaminated soil, pumping and treatment of groundwater, and the recovery of product from soil or groundwater, are not included in the calculation of total annual benzene quantity for that facility. If the facility's total annual benzene quantity is 10 Mg/yr (11 ton/yr) or more, wastes generated by remediation activities are subject to the requirements of 40 C.F.R. §§ 61.342(c) through (h). If the facility is managing remediation waste generated offsite, the benzene in this waste shall be included in the calculation of total annual benzene quantity in facility waste, if the waste streams have an annual average water content greater than 10 percent, or if they are mixed with water or other wastes at any time and the mixture has an annual average water content greater than 10 percent.

d. The total annual benzene quantity is determined based upon the quantity of benzene in the waste before any waste treatment occurs to remove the benzene except as specified in 40 C.F.R. § 61.355(c)(1)(i) (A) through (C).

[40 CFR § 61.342(a) and 45CSR34; 45CSR13 - Permit R13-2334 - 10.0]

9.2. Monitoring Requirements

9.2.1. Compliance with 40 CFR part 61 subpart FF will be determined by review of facility records and results from tests and inspections using methods and procedures specified in Sections 9.3.1. through 9.3.3. of this permit.
[40 CFR § 61.342(g) and 45CSR34; 45CSR13 - Permit R13-2334 - 10.0]

9.3. Testing Requirements

9.3.1. An owner or operator shall determine the total annual benzene quantity from facility waste by the following procedure:

a. For each waste stream subject to this subpart having a flow-weighted annual average water content greater than 10 percent water, on a volume basis as total water, or is mixed with water or other wastes at any time and the resulting mixture has an annual average water content greater than 10 percent as specified in 40 C.F.R. § 61.342(a), the owner or operator shall:

1. Determine the annual waste quantity for each waste stream using the procedures specified in Section 9.3.2. of this permit.

2. Determine the flow-weighted annual average benzene concentration for each waste stream using the procedures specified in Section 9.3.3. of this permit.

3. Calculate the annual benzene quantity for each waste stream by multiplying the annual waste quantity of the waste stream times the flow-weighted annual average benzene concentration.

b. Total annual benzene quantity from facility waste is calculated by adding together the annual benzene quantity for each waste stream generated during the year and the annual benzene quantity for each process unit turnaround waste annualized according to Section 9.3.2.b. of this permit.

c. If the total annual benzene quantity from facility waste is less than 10 Mg/yr (11 ton/yr) but is equal to or greater than 1 Mg/yr (1.1 ton/yr), then the owner or operator shall:

1. Comply with the record keeping requirements of 40 C.F.R. § 61.356 and reporting requirements of 40 C.F.R. § 61.357; and

2. Repeat the determination of total annual benzene quantity from facility waste at least once per year and whenever there is a change in the process generating the waste that could cause the total annual benzene quantity from facility waste to increase to 10 Mg/yr (11 ton/yr) or more.

d. The benzene quantity in a waste stream that is generated less than one time per year, except as provided for process unit turnaround waste in Section 9.3.2.b. of this permit, shall be included in the determination of total annual benzene quantity from facility waste for the year in which the waste is generated unless the waste stream is otherwise excluded from the determination of total annual benzene quantity from facility waste in accordance with Sections 9.3.1. through 9.3.3. of this permit. The benzene quantity in this waste stream shall not be annualized or averaged over the time interval between the activities that resulted in generation of the waste, for purposes of determining the total annual benzene quantity from facility waste.

[40 CFR § 61.355(a) and 45CSR34; 45CSR13 - Permit R13-2334 - 10.0.]

9.3.2. For purposes of the calculation required by Section 9.3.1. of this permit, an owner or operator shall determine the annual waste quantity at the point of waste generation, unless otherwise provided in Sections 9.3.2.a. and b. of this permit, by one of the methods given in Sections 9.3.2. c. through e. of this permit.

a. The determination of annual waste quantity for sour water streams that are processed in sour water strippers shall be made at the point that the water exits the sour water stripper.

b. The determination of annual waste quantity for each process unit turnaround waste generated only at 2 year or greater intervals, may be made by dividing the total quantity of waste generated during the most recent process unit turnaround by the time period (in the nearest tenth of a year) between the turnaround resulting in generation of the waste and the most recent preceding process turnaround for the unit. The resulting annual waste quantity shall be included in the calculation of the annual benzene quantity as provided in Section 9.3.1.a.3. of this permit for the year in which the turnaround occurs and for each subsequent year until the unit undergoes the next process turnaround. For estimates of total annual benzene quantity as specified in the 90-day report, required under 40 C.F.R. § 61.357(a)(1), the owner or operator shall estimate the waste quantity generated during the most recent turnaround, and the time period between turnarounds in accordance with good engineering practices. If the owner or operator chooses not to annualize process unit turnaround waste, as specified in this paragraph, then the process unit turnaround waste quantity shall be included in the calculation of the annual benzene quantity for the year in which the turnaround occurs.

c. Select the highest annual quantity of waste managed from historical records representing the most recent 5 years of operation or, if the facility has been in service for less than 5 years but at least 1 year, from historical records representing the total operating life of the facility.

d. Use the maximum design capacity of the waste management unit; or

e. Use measurements that are representative of maximum waste generation rates.

[40 CFR § 61.355(b) and 45CSR34; 45CSR13 - Permit R13-2334 - 10.0.]

9.3.3. For the purposes of the calculation required by 40 C.F.R. §§ 61.355(a), an owner or operator shall determine the flow-weighted annual average benzene concentration in a manner that meets the requirements given in Section 9.3.3.a. of this permit using either of the methods given in Sections 9.3.3.b. and c. of this permit.

a. The determination of flow-weighted annual average benzene concentration shall meet all of the following criteria:

1. The determination shall be made at the point of waste generation except for the specific cases given in Sections 9.3.3.a.1.A and B. of this permit.

A. The determination for sour water streams that are processed in sour water strippers shall be made at the point that the water exits the sour water stripper.

B. The determination of flow-weighted annual average benzene concentration for process unit turnaround waste shall be made using either of the methods given in Sections 9.3.3.b. or c. of this permit. The resulting flow-weighted annual average benzene concentration shall be included in the calculation of annual benzene quantity as provided in Section 9.3.1.a.3. of this permit for the year in which the turnaround occurs and for each subsequent year until the unit undergoes the next process unit turnaround.

2. Volatilization of the benzene by exposure to air shall not be used in the determination to reduce the benzene concentration.

3. Mixing or diluting the waste stream with other wastes or other materials shall not be used in the determination -- to reduce the benzene concentration.

4. The determination shall be made prior to any treatment of the waste that removes benzene, except as specified in Sections 9.3.3.a.1.A. and B. of this permit.

5. For wastes with multiple phases, the determination shall provide the weighted-average benzene concentration based on the benzene concentration in each phase of the waste and the relative proportion of the phases.

b. *Knowledge of the waste.* The owner or operator shall provide sufficient information to document the flow-weighted annual average benzene concentration of each waste stream. Examples of information that could constitute knowledge include material balances, records of chemicals purchases, or previous test results provided the results are still relevant to the current waste stream conditions. If test data are used, then the owner or operator shall provide documentation describing the testing protocol and the means by which sampling variability and analytical variability were accounted for in the determination of the flow-weighted annual average benzene concentration for the waste stream. When an owner or operator and the Administrator do not agree on determinations of the flow-weighted annual average benzene concentration based on knowledge of the waste, the procedures under Section 9.3.3.c. of this permit shall be used to resolve the disagreement.

c. Measurements of the benzene concentration in the waste stream in accordance with the procedures listed in 40 CFR § 61.355(c)(3).
[40 CFR § 61.355(c) and 45CSR34; 45CSR13 - Permit R13-2334 - 10.0.]

9.4. Recordkeeping Requirements

9.4.1. Each owner or operator of a facility subject to the provisions of 40 CFR Part 61, subpart FF shall comply with the following record keeping requirements. Each record shall be maintained in a readily accessible location at the facility site for a period not less than two years from the date the information is recorded unless otherwise specified.
[40 CFR § 61.356(a) and 45CSR34; 45CSR13 - Permit R13-2334 - 10.0.]

9.4.2. Each owner or operator shall maintain records that identify each waste stream at the facility subject to 40 CFR Part 61, subpart FF, and indicate whether or not the waste stream is controlled for benzene emissions in accordance with this subpart. In addition the owner or operator shall maintain the following records:

a. For each waste stream not controlled for benzene emissions in accordance with this subpart, the records shall include all test results, measurements, calculations, and other documentation used to determine the following information for the waste stream: waste stream identification, water content, whether or not the waste stream is a process wastewater stream, annual waste quantity, range of benzene concentrations, annual average flow-weighted benzene concentration, and annual benzene quantity.

b. For each waste stream exempt from 40 C.F.R. § 61.342(c)(1) in accordance with 40 C.F.R. § 61.342(c)(3), the records shall include:

1. All measurements, calculations, and other documentation used to determine that the continuous flow of process wastewater is less than 0.02 liters (0.005 gallons) per minute or the annual waste quantity of process wastewater is less than 10 Mg/yr (11 ton/yr) in accordance with 40 C.F.R. § 61.342(c)(3)(i), or

2. All measurements, calculations, and other documentation used to determine that the sum of the total annual benzene quantity in all exempt waste streams does not exceed 2.0 Mg/yr (2.2 ton/yr) in accordance with 40 C.F.R. § 61.342(c)(3)(ii).

c. For each facility where the annual waste quantity for process unit turnaround waste is determined in accordance with 40 C.F.R. § 61.355(b)(5), the records shall include all test results, measurements, calculations, and other documentation used to determine the following information: identification of each process unit at the facility that undergoes turnarounds, the date of the most recent turnaround for each process unit, identification of each process unit turnaround waste, the water content of each process unit turnaround waste, the annual waste quantity determined in accordance with 40 C.F.R. § 61.355(b)(5), the range of benzene concentrations in the waste, the annual average flow-weighted benzene concentration of the waste, and the annual benzene quantity calculated in accordance with 40 C.F.R. § 61.355(a)(1)(iii) of this section.

[40 CFR § 61.356(b) and 45CSR34; 45CSR13 - Permit R13-2334 - 10.0.]

9.5. Reporting Requirements

9.5.1. Each owner or operator of a chemical plant, petroleum refinery, coke by-product recovery plant, and any facility managing wastes from these industries shall submit to the Administrator within 90 days after January 7, 1993, or by the initial startup for a new source with an initial startup after the effective date, a report that summarizes the regulatory status of each waste stream subject to 40 C.F.R. § 61.342 and is determined by the procedures specified in 40 C.F.R. § 61.355(c) to contain benzene. Each owner or operator subject to this subpart who has no benzene onsite in wastes, products, by-products, or intermediates shall submit an initial report that is a statement to this effect. For all other owners or operators subject to this subpart, the report shall include the following information:

a. Total annual benzene quantity from facility waste determined in accordance with 40 C.F.R. § 61.355(a) of this subpart.

b. A table identifying each waste stream and whether or not the waste stream will be controlled for benzene emissions in accordance with the requirements of this subpart.

c. For each waste stream identified as not being controlled for benzene emissions in accordance with the requirements of this subpart the following information shall be added to the table:

1. Whether or not the water content of the waste stream is greater than 10 percent;

2. Whether or not the waste stream is a process wastewater stream, product tank drawdown, or landfill leachate;

3. Annual waste quantity for the waste stream;

4. Range of benzene concentrations for the waste stream;

5. Annual average flow-weighted benzene concentration for the waste stream; and

6. Annual benzene quantity for the waste stream.

d. The information required in Sections 9.5.1.a., b., and c. of this Permit should represent the waste stream characteristics based on current configuration and operating conditions. An owner or operator only needs to list in the report those waste streams that contact materials containing benzene. The report does not need to include a description of the controls to be installed to comply with the standard or other information required in 40 C.F.R. § 61.10(a).

[40 CFR § 61.357(a) and 45CSR34; 45CSR13 - Permit R13-2334 - 10.0.]

9.5.2. If the total annual benzene quantity from facility waste is less than 10 Mg/yr (11 ton/yr) but is equal to or greater than 1 Mg/yr (1.1 ton/yr), then the owner or operator shall submit to the Administrator a report that updates the information listed in Section 9.5.1.a. through c. of this permit. The report shall be submitted annually and whenever there is a change in the process generating the waste stream that could cause the total annual benzene quantity from facility waste to increase to 10 Mg/yr (11 ton/yr) or more. If the information in the annual report required by Section 9.5.1.a. through c. is not changed in the following year, the owner or operator may submit a statement to that effect.

[40 CFR § 61.357(c) and 45CSR34; 45CSR13 - Permit R13-2334 - 10.0.]

9.6. Compliance Plan

9.6.1. None.

10.0 Equipment Leak Detection and Repair Requirements

10.1. Limitations and Standards

10.1.1. **Training.** The permittee shall implement the following training programs at the facility:

i. For personnel newly-assigned to LDAR responsibilities, EWVI shall require LDAR training prior to each employee beginning such work;

ii. For all personnel assigned LDAR responsibilities, EWVI shall provide and require completion of annual LDAR training; and

iii. For all other Refinery operations and maintenance personnel (including contract personnel), EWVI shall provide and require completion of an initial training program that includes instruction on aspects of LDAR that are relevant to the person's duties. Refresher training in LDAR shall be performed on a three year cycle.

[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.B.]

10.1.2. **LDAR Personnel.** The permittee shall establish a program that will hold LDAR personnel accountable for LDAR performance. The permittee shall maintain a position within the facility responsible for LDAR management, with the authority to implement improvements.
[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.K.]

10.1.3. **Internal Leak Definition for Valves and Pumps; Compressor Compliance.** The permittee shall utilize the following internal leak definitions for valves and pumps in light liquid and/or gas/vapor service, unless other permit(s), regulations, or laws require the use of lower leak definitions.

i. Leak Definition for Valves. The permittee shall utilize an internal leak definition of 500 ppm VOCs for the valves at the facility, excluding pressure relief devices.

ii. Leak Definition for Pumps. The permittee shall utilize an internal leak definition of 2000 ppm VOCs for the pumps at the facility.

[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.E.]

10.1.4. **First Attempt at Repairs on Valves.** The permittee shall make a "first attempt" at repair on any valve that has a reading greater than 200 ppm of VOCs, excluding control valves, pumps, and components that LDAR personnel are not authorized to repair. The permittee, or its designated contractor, however, shall re-monitor, within 5 business days, all valves that LDAR personnel attempted to repair. Unless the re-monitored leak rate is greater than the applicable leak definition, no further action will be necessary.
[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.G.]

10.1.5. **Delay of Repair.** For any equipment for which the permittee is allowed, under the applicable regulations, to place on the "delay of repair" list for repair:

i. For all equipment, the permittee shall:

a. Require sign-off by the unit supervisor or shift supervisor that the piece of equipment is technically infeasible to repair without a process unit shutdown, before the component is eligible for inclusion on the "delay of repair" list; and

b. Include equipment that is placed on the "delay of repair" list in the permittee's regular LDAR monitoring.

ii. For valves: For valves, other than control valves, leaking at a rate of 10,000 ppm or greater, the permittee shall continue to use its "drill and tap" method for fixing such leaking valves, rather than placing the valve on the "delay of repair" list, unless the permittee can demonstrate that there is a safety, mechanical, or major environmental concern posed by repairing the leak in this manner. After two unsuccessful attempts to repair a leaking valve through the drill and tap method, the permittee may place the leaking valve on its "delay of repair" list. If a new method develops for repairing such valves, the permittee will advise EPA prior to implementing such new method.

iii. For pumps: For pumps leaking at a rate of 2000 ppm or greater, the permittee shall undertake its best efforts to isolate and repair such pumps with a first attempt at fifteen (15) days.

[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.N.]

10.2. Monitoring Requirements

10.2.1. **Reporting, Recording, Tracking, Repairing and Remonitoring Leaks of Valves and Pumps.** The permittee shall record, track, repair and re-monitor all leaks in excess of the internal leak definitions.
[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.F.]

10.2.2. **LDAR Monitoring Frequency**

i. Pumps. The permittee shall monitor pumps on a monthly basis.

ii. Valves. The permittee shall monitor valves -- other than difficult to monitor or unsafe to monitor valves -- on a quarterly basis.

[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.H.]

10.2.3. **Calibration/Calibration Drift Assessment**

i. Calibration. The permittee shall conduct all calibrations of LDAR monitoring equipment using methane as the calibration gas, in accordance with 40 C.F.R. Part 60, EPA Reference Test Method 21.

ii. Calibration Drift Assessment. The permittee shall conduct calibration drift assessments of LDAR monitoring equipment at the end of each monitoring shift, at a minimum. The permittee shall conduct the calibration drift assessment using, at a minimum, a 500 ppm calibration gas. If any calibration drift assessment after the initial calibration shows a negative drift of more than 10% from the previous calibration, the permittee shall re-monitor all valves that were monitored since the last calibration that had a reading greater than 100 ppm and shall re-monitor all pumps that were monitored since the last calibration that had a reading greater than 500 ppm.

[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.M.]

10.2.4. **LDAR Audits.** The permittee shall implement at the facility the Refinery audits set forth in the following paragraphs to ensure compliance with all applicable LDAR requirements. The LDAR audits shall include, but not be limited to, comparative monitoring, records review, tagging, data management, and observation of the LDAR technicians' calibration and monitoring techniques.

i. Third-Party Audits. The permittee shall retain a contractor(s) to perform a third-party audit of the refinery's LDAR program at least once every four years.

ii. Internal Audits. The permittee shall conduct internal audits of the LDAR program. An internal audit of the refinery shall be held every four years.

iii. To ensure that an audit at the refinery occurs every two years, third-party and internal audits shall be separated by two years.

iv. Alternative. As an alternative to the internal audit, the permittee may elect to retain third-parties to undertake the internal audit, provided that an audit of the facility occurs every two (2) years.

[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.C.]

If the results of any of the audits conducted at the facility identify any areas of non-compliance, the permittee shall implement, as soon as practicable, all steps necessary to correct the area(s) of noncompliance, and to prevent, to the extent practicable, a recurrence of the cause of the non-compliance. The permittee shall retain the audit reports generated during the audits and shall maintain a written record of the corrective actions taken at the facility in response to any deficiencies identified in any audits.

[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.D.]

10.3. Testing Requirements

10.3.1. None.

10.4. Recordkeeping Requirements

10.4.1. **Adding New Valves and Pumps**. The permittee shall establish a tracking program for maintenance records (e.g., a Management of Change program) to ensure that valves and pumps added to the facility during maintenance and construction are integrated into the LDAR program.

[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.L.]

10.4.2. When a leak is detected, the following requirements apply:

i. A weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment.

ii. The identification on a valve may be removed after it has been monitored for 2 successive months and no leak has been detected during those 2 months.

iii. The identification on equipment, except on a valve, may be removed after it has been repaired.

[45CSR§30-12.7. and 40 CFR § 60.486(b)]

10.4.3. When a leak has been detected, the following information shall be recorded in a log and 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 10,000" if the maximum instrument reading measured after each repair attempt is equal to or greater than 10,000 ppm.

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.

[45CSR§30-12.7. and 40 CFR § 60.486(c)]

10.4.4. The following information shall be recorded in a log that is kept in a readily accessible location:

i. A list of identification numbers.

ii. A list of identification numbers for equipment that are designated for no detectable emissions. This list shall be signed by the owner or operator.

iii. A list of equipment identification numbers for pressure relief valves.

iv. The dates of each compliance test.

v. The background level measured during each compliance test.

vi. The maximum instrument reading measured at the equipment during each compliance test.

vii. A list of identification numbers for equipment in vacuum service.

viii. A list of identification numbers for equipment that the owner or operator designates as operating in VOC service less than 300 hr/yr, a description of the conditions under which the equipment is in VOC service, and rationale supporting the designation that it is in VOC service less than 300 hr/yr.

[45CSR§30-12.7. and 40 CFR § 60.486(e)]

ix. For all valves and pumps designated as unsafe-to-monitor or difficult-to-monitor:

a. A list of identification numbers for valves and pumps that are designated as unsafe-to-monitor, an explanation for each valve or pump stating why the valve or pump is unsafe-to-monitor, and the plan for monitoring each valve or pump.

b. A list of identification numbers for valves that are designated as difficult-to-monitor, an explanation for each valve stating why the valve is difficult-to-monitor, and the schedule for monitoring each valve.

[45CSR§30-12.7. and 40 CFR § 60.486(f)]

10.5. Reporting Requirements

10.5.1. **Electronic Monitoring, Storing, and Reporting of LDAR Data**

i. Electronic Storing and Reporting of LDAR Data. The facility will maintain an electronic database (e.g., EXCEL spreadsheet) for storing and reporting LDAR data. The electronic database shall include data identifying the date and time of the monitored event, and the operator and instrument used in the monitored event.

ii. Electronic Data Collection During LDAR Monitoring and Transfer Thereafter. The permittee shall use dataloggers and/or electronic data collection devices during all LDAR monitoring. The permittee, or its designated contractor, shall use its/their best efforts to transfer, by the end of the next business day, electronic data from electronic data logging devices to the electronic database listed above. For all monitoring events in which an electronic data collection device is used, the collected monitoring data shall include a time and date stamp. The permittee may use paper logs where necessary or more feasible (e.g., small rounds, re-monitoring, or when data loggers are not available or broken), and shall record, at a minimum, the identification of the technician undertaking the monitoring, the date, and the identification of the monitoring equipment. The permittee shall use its best efforts to transfer any manually recorded monitoring data to the electronic database within seven days of monitoring.

[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.I.]

10.5.2. **QA/QC of LDAR Data** - The permittee shall ensure that monitoring data provided to the permittee by its contractors is reviewed for QA/QC before the contractor submits the data to the permittee. At least once per calendar quarter, the permittee shall perform QA/QC of the contractor's monitoring data which shall include, but not be limited to, number of components monitored per technician, time between monitoring events, and abnormal data patterns.

[45CSR§30-12.7. and Consent Decree Civil No. 3:03CV114010S Paragraph V.18.J.]

10.5.3. The permittee shall submit semiannual reports to the Administrator beginning six months after the initial startup date. All semiannual reports shall include the following information:

i. Process unit identification.

ii. For each month during the semiannual reporting period,

a. Number of valves for which leaks were detected.

b. Number of valves for which leaks were not repaired.

c. Number of pumps for which leaks were detected.

d. Number of pumps for which leaks were not repaired.

e. Number of compressors for which leaks were detected.

f. Number of compressors for which leaks were not repaired.

g. The facts that explain each delay of repair and, where appropriate, why a process unit shutdown was technically infeasible.

iii. Dates of process unit shutdowns which occurred within the semiannual reporting period.

iv. Revisions to items reported in initial report if changes have occurred since the initial report or subsequent revisions to the initial report.

[45CSR§30-12.7. and 40 CFR § 60.487(c)]

10.6. Compliance Plan

10.6.1. None

APPENDIX A

45CSR2 & 45CSR10 Monitoring Plan

COPY

ERGON WEST VIRGINIA, INC.
P.O. Box 356
Newell, W.V. 26050
Phone: 304-387-4343

OFFICE OF AIR QUALITY
2001 JUN -7 P 1:41
RECEIVED

May 24, 2001

Mr. Edward L. Kropp
Chief, Office of Air Quality
7012 MacCorkle Avenue, SE
Charleston, West Virginia 25304

RE: Monitoring Plan under 45 CSR2 and 45CSR10

Dear Mr. Kropp:

ERGON West Virginia, Inc. (ERGON) is presenting the following monitoring plan as required under Title 45 of the Code of State Regulations (CSR) Series 2 and Series 10 [45 CSR 2 and 45 CSR 10] and requested in your letter dated April, 20, 2001. The allowable emission rates for all of these units have been registered as part of air permit (R13-2334A).

Boiler C:

This boiler combusts only natural gas and has a design heat capacity (DHC) less than 100 MMBtu/hr.

Regulation 2

- As per the guidance listed in §45-2A-3.1.a, since the boiler burns only natural gas, it is exempt from visible emission testing and weight emissions testing requirements.
- This boiler combusts only natural gas. Therefore as stipulated in §45-2-8.4.b, it is exempt from testing and monitoring provisions of 45 CSR 2.
- As required under §45-2-8.3.c, ERGON maintains records of the startup and shutdown of the boiler, and the quantity of natural gas combusted on a monthly basis.

Regulation 10

- As indicated in §45-10-10.3, since this unit combusts only natural gas, it is exempt from the requirements in §45-10-8, which includes testing, monitoring, recordkeeping and reporting.

Boilers A and B:

These boilers combust a combination of natural gas, refinery fuel gas (RFG) and fuel oil and have DHCs greater than 100 MMBtu/hr, but less than 250 MMBtu/hr.

Regulation 2

- Opacity: RFG combusted within the boilers and heaters is very similar to natural gas. An analysis of the gas is provided as an attachment to this monitoring plan. There is no probable cause that would indicate that opacity would be generated from the combustion of ERGON's RFG, which is very similar to natural gas. Since natural gas combustion is exempt from visibility testing, ERGON requests that no visible emission testing be

required when combusting RFG. However, when firing fuel oil, a visual test will be conducted within 7 days after continuous firing of the boilers on fuel oil.

- Weight Emission Testing: Under permit R13-2334A, ERGON has monthly and yearly limits on particulate (PM) emissions. These permit limits were based on a worst case scenario of running #6 fuel oil for 35 days at 100% capacity, and running RFG at 100% capacity for the remainder of the year. ERGON documents PM emissions from Boilers A and B utilizing fuel usage records and regulatory limits. To demonstrate that these units operate well below allowable limits, ERGON proposes the following monitoring plan and requests that no stack testing be required for the boilers.

  Fuel oil: these boilers will be tested within 30 days after continuous fuel oil combustion. During testing all parameters required within EPA testing methodologies and under Series 2A of the West Virginia regulations will be obtained.

  Refinery fuel gas: RFG combusted within the boilers and heaters is very similar to natural gas. An analysis of the gas is provided as an attachment to this monitoring plan. There is no probable cause that would indicate that significant particulate emissions from the combustion of ERGON's RFG, which is very similar to natural gas, would be generated.

- As required under §45-2-8.3.c, and §45-2A-7, ERGON maintains records of the startup and shutdown of the boilers, and the quantity of RFG combusted on a monthly basis. Also fuel oil combusted in these boilers has sulfur content no greater than 0.5% as required by permit.

Regulation 10

- As indicated in §45-10-5.1, these boilers cannot burn fuels with hydrogen sulfide (H_2S) content greater than 50 grains per hundred cubic feet. ERGON has continuous parametric monitors that measure H_2S concentration of the RFG to be combusted in the boilers and the miscellaneous heaters at the plant. Documentation of the monitoring data can be provided upon request. Even though this is not a CEMS in the strictest sense, it is a continuous parametric monitor (CPM). This monitor also has a backup to assure compliance. Therefore, per §45-10A-5, ERGON proposes that no requirement for stack testing of SO_2 emissions be required since the CPMs continuously measure H_2S concentration of the RFG.

Combustion Sources—H101, H102, H201, H500's, H600's

These units are process heaters and combust natural gas/refinery fuel gas combination fuel as their primary fuel. Heaters H101, H102, and H20 can operate with fuel oil as a backup. All of these units have DHCs between 10-100 MMBtu/hr, except H201, which has a DHC less than 10 MMBtu/hr.

Regulation 2

- Opacity: These heaters meet the requirements set forth in this regulation so therefore visible emission testing is indicated per §45-2-3.2. However, these units are exempt from testing and monitoring requirements since the DHCs of these units are less than 100 MMBtu/hr, per §45-2-8.4.c.
- Weight Emission Testing: Heater H201 is exempt from testing, monitoring, recordkeeping and reporting requirements as stipulated in §45-2-11, other than of course those requirements stated within the existing permit. The remaining heaters are less than 100 MMBtu/hr and therefore, are exempt from the periodic testing requirements in §45-2-8.1.a and the monitoring requirements in §45-2-8.2.
- As required under §45-2-8.3.c, and §45-2A-7, ERGON maintains records of the startup and shutdown of the heaters, and the quantity of RFG and natural gas combusted on a monthly basis. Also fuel oil combusted in heaters H101, H102 and H201 have sulfur content no greater than 0.5% as required within the existing permit.

Regulation 10

- As indicated in §45-10-5.1, these heaters cannot burn fuels with hydrogen sulfide (H_2S) content greater than 50 grains per hundred cubic feet. ERGON has continuous parametric monitors that measure H_2S concentration of the RFG to be combusted in the boilers and the miscellaneous heaters at the plant. Documentation of the monitoring data can be provided upon request. Even though this is not a CEMS in the strictest sense, it is a continuous parametric monitor (CPM). This monitor also has a backup to assure compliance. Therefore, per §45-10A-5, ERGON proposes that no requirement for stack testing of SO_2 emissions be required since the CPMs continuously measure H_2S concentration of the RFG.

Combustion Sources—H441, H701

The DHC for H441 is just over 10 MMBtu/hr and the DHC for H701 less than 10 MMBtu/hr. These two heaters are fired with natural gas only.

Regulation 2

- As per the regulation §45-2-8.4.b and the guidance listed in §45-2A-3.1.a, since these heaters burn only natural gas, they are exempt from visible emission testing and weight emissions testing requirements.
- As required under §45-2-8.3.c, ERGON maintains records of the startup and shutdown of these heaters, and the quantity of natural gas combusted on a monthly basis.

Regulation 10

- As indicated in §45-10-10.3, since these units combust only natural gas, they are exempt from the requirements in §45-10-8, which includes testing, monitoring, recordkeeping and reporting.

Manufacturing Process Sources—Main Flare

The flare is an emergency control device for the manufacturing process sources of the entire refinery.

Regulation 2

- Regulation 2 does not apply since this regulation only applies to indirect heat exchangers.

Regulation 10

- As indicated in §45-10A-5.2.b, process sources that utilize a flare as a control device are exempt from compliance testing requirements.

If you have any questions or require additional information, please contact me at (304) 387-7046.

Sincerely,

Jack Azar
ESHT Manager

Attachment

cc: Ray Callahan, Ergon Inc.
Jeff Weiler, SESTECH Environmental