

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:
Marathon Petroleum Company LLC
MPC—Tri-State Terminal
R30-09900022-2010

John A. Benedict
Director

Issued: January 29, 2010 • Effective: February 12, 2010

Expiration: January 29, 2015 • Renewal Application Due: July 29, 2014

Permit Number: **R30-09900022-2010**
Permittee: **Marathon Petroleum Company LLC**
Facility Name: **MPC—Tri-State Terminal**
Permittee Mailing Address: **539 South Main Street, Findlay, Ohio 45840**

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

Facility Location: Kenova, Wayne County, West Virginia
Telephone Number: (606)-921-3333
Type of Business Entity: LLC
Facility Description: Bulk gasoline terminal: receives, stores, and transfers petroleum products.
SIC Codes: 5171
UTM Coordinates: 375.56 Easting • 4251.63 Northing • Zone 17

Permit Writer: Rex Compston

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.

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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	Seals
Tank 202	Fixed Cone Roof Distillate Fuel Storage Tank	1938	1,053,906 gallons	None
Tank 204	Fixed Cone Roof Distillate Fuel Storage Tank	1941	447,552 gallons	None
Tank 251	External Floating Roof Wastewater (with offspec petroleum liquid layer) Storage Tank	1940	1,559,754 gallons	Primary Foam Log w/ Secondary Wiper
Tank 253	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1948/1992	2,256,744 gallons	Primary Shoe w/ Secondary Wiper
Tank 255	Fixed Cone Roof Distillate Fuel Storage Tank	1948	5,527,200 gallons	None
Tank 256	External Floating Roof Wastewater (with offspec petroleum liquid layer) Storage Tank	1949	2,284,380 gallons	Primary Shoe w/ Secondary Wiper
Tank 264	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1990	3,402,000 gallons	Primary Foam Log w/ Secondary Wiper
Tank 265	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1991	1,381,800 gallons	Primary Foam Log w/ Secondary Wiper
Tank 266	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1993	1,802,200 gallons	Primary Foam Log w/ Secondary Wiper
Tank 267	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1993	1,802,200 gallons	Primary Shoe w/ Secondary Wiper
Tank 268	Internal Floating Roof Gasoline/ Distillate Fuel Storage Tank	1993	1,802,200 gallons	Primary Shoe w/ Secondary Wiper
1-12-F-5 & 1-12-F-6	Clay Filters (2) (No emissions other than fugitive components)	N/A	N/A	N/A
1-12-F-3, 1-12-F-4, & 1-12-F-7	Salt Dryers (3) (No emissions other than fugitive components)	N/A	N/A	N/A

1.2 Active R13, R14, and R19 Permits

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

Permit Number	Date of Issuance
R13-1352A	March 26, 2007

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	NO_x	Nitrogen Oxides
CBI	Confidential Business Information	NSPS	New Source Performance Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM₁₀	Particulate Matter less than 10µm in diameter
C.F.R. or CFR	Code of Federal Regulations	pph	Pounds per Hour
CO	Carbon Monoxide	ppm	Parts per Million
C.S.R. or CSR	Codes of State Rules	PSD	Prevention of Significant Deterioration
DAQ	Division of Air Quality	psi	Pounds per Square Inch
DEP	Department of Environmental Protection	SIC	Standard Industrial Classification
FOIA	Freedom of Information Act	SIP	State Implementation Plan
HAP	Hazardous Air Pollutant	SO₂	Sulfur Dioxide
HON	Hazardous Organic NESHAP	TAP	Toxic Air Pollutant
HP	Horsepower	TPY	Tons per Year
lbs/hr or lb/hr	Pounds per Hour	TRS	Total Reduced Sulfur
LDAR	Leak Detection and Repair	TSP	Total Suspended Particulate
m	Thousand	USEPA	United States Environmental Protection Agency
MACT	Maximum Achievable Control Technology	UTM	Universal Transverse Mercator
mm	Million	VEE	Visual Emissions Evaluation
mmBtu/hr	Million British Thermal Units per Hour	VOC	Volatile Organic Compounds
mmft³/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		

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. **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]
- 3.1.7. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. §

68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.

[40 C.F.R. 68]

3.2. Monitoring Requirements

3.2.1. No applicable facility-wide monitoring requirements.

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.

[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.; 45CSR13 – Permit No. R13-1352, Condition 4.4.1.]

- 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.]

3.5. Reporting Requirements

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

[45CSR§§30-4.4. and 5.1.c.3.D.]

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

[45CSR§30-5.1.c.3.E.]

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

If to the DAQ:

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

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

If to the US EPA:

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

3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

- b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.

[45CSR§30-5.1.c.3.B.]

- 3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.

[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

- 3.6.1. No compliance plan was submitted since the permittee certified compliance with all current applicable requirements and is expected to be in compliance with those applicable requirements which become effective at a later date.

3.7. Permit Shield

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.
 - a. 45 CSR 21, Section 22: Not applicable because Tri-State Terminal does not have gasoline loading facilities.
 - b. 40 CFR 60, Subpart XX: Not subject because this facility does not have gasoline loading facilities.
 - c. 40 CFR 63, Subpart R: Not subject to the Rule because the terminal is not a major HAP source. Would not be subject to loading rack requirements because this facility does not ship via gasoline trucks.
 - d. 40 CFR 63, Subpart Y: Tri-State Terminal does not ship via marine vessels.
 - e. 40 CFR 63, Subpart ZZZZ: Marathon Petroleum does not operate any internal combustion engines subject to this MACT.
 - f. 40 CFR 63, Subpart EEEE: Not subject to this rule because the terminal is not a major HAP source.

4.0 Source-Specific Requirements [Storage Tanks (251, 253, 256, 264, 265, 266, 267, 268)]

4.1. Limitations and Standards

- 4.1.1. No owner or operator of a petroleum storage vessel with an external floating roof shall store petroleum liquid in that tank unless:
- a. The tank has been fitted with a continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or a closure or other device that controls VOC emissions with an effectiveness equal to or greater than a seal and is approved by the Director and the U.S. EPA; and
 - b. All seal closure devices must meet the following requirements: there are no visible holes, tears, or other openings in the seal(s) or seal fabric; the seal(s) are intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; For vapor-mounted primary seals, the accumulated area of gaps exceeding 0.32 centimeters (cm) (0.125 inches [in]) in width between the secondary seal and the tank wall shall not exceed 21.2 square centimeters per meter (cm^2/m) (1.0 square inches per foot [in^2/ft]) of tank diameter, as determined by the method in section 4.2.2. of this permit.; and
 - c. All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are: Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; Equipped with projections into the tank that remain below the liquid surface at all times; and
 - d. Automatic bleeder vents are closed at all times except when the roof is being floated off or being landed on the roof leg supports;
 - e. Rim vents are set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting; and
 - f. Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening.

[45CSR§21-27.3 (Tanks 251 and 256—wastewater and offspec petroleum liquid layer)]

- 4.1.2. No owner or operator of a petroleum liquid storage tank with a fixed roof shall store petroleum liquid in that tank unless:
- a. The tank is equipped with an internal floating roof equipped with a closure seal or seals to close the space between the roof edge and tank wall; or an equally effective alternative control, approved by the Director and the U.S. EPA.
 - b. The tank is maintained such that there are no visible holes, tears, or other openings in the seal or any seal fabric or materials; and

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

[45CSR§21-28.3 & 45CSR13– Permit No. R13-1352, Condition 4.1.4. (Tanks 253, 264, 265, 266, 267, and 268) & Consent Order #: CO-BGT-R21-94-12, Condition I, under III. Compliance Program (Tank 253)]

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

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

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

- 4.1.4. Annual throughput of gasoline through each of the four (4) permitted tanks (265, 266, 267, 268) shall not exceed 1134 x 10⁶ gallons per year. For the purposes of this permit, a calendar year is defined as any one of a series of twelve consecutive months.

[45CSR13 – Permit No. R13-1352, Condition 4.1.6. (Tanks 265, 266, 267, & 268)]

- 4.1.5. The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m³ 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 m³ but less than 151 m³ containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following:

- a. A fixed roof in combination with an internal floating roof meeting the following specifications:
 - 1. The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.
 - 2. Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:

- i. A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.
 - ii. Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.
 - iii. A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.
3. Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
4. Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.
5. Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.
6. Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.
7. Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.
8. Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.
9. Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

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

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

4.2. Monitoring Requirements

- 4.2.1. The owner or operator of a petroleum liquid storage tank with an external floating roof shall perform routine inspections semiannually in order to ensure compliance with Section 4.1.1. of this permit (the inspections shall include a visual inspection of the secondary seal gap); and measure the secondary seal gap annually in accordance with Section 4.2.2. when the floating roof is equipped with a vapor molded primary seal.
[45CSR§21-27.4 (Tanks 251 and 256 – wastewater with offspec petroleum liquid layer)]
- 4.2.2. Compliance with Section 4.2.1. shall be determined by physically measuring the length and width of all gaps around the entire circumference of the secondary seal in each place where a 0.32 cm (0.125 inch) uniform diameter probe passes freely (without forcing or binding against the seal) between the seal and tank wall; and summing the area of the individual gaps.
[45CSR§21-27.6 (Tanks 251 and 256 – wastewater with offspec petroleum liquid layer)]
- 4.2.3. The owner or operator of a petroleum liquid storage tank with a fixed roof shall perform routine, semi-annual, visual inspections of the internal floating roof and its closure seal or seals through roof hatches; and perform a complete inspection of cover and seal whenever the tank is emptied for non-operational reasons or at least every 5 years, whichever is more frequent.
[45CSR13—Permit No. R13-1352, Condition 4.2.1.; 45CSR§21-28.4. (Tanks 253, 264, 265, 266, 267, & 268)]
- 4.2.4. The owner or operator of each storage vessel as specified in Section 4.1.5. of this permit shall meet the requirements of this section. The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of Section 4.1.5. of this permit.
- a. 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.
 - b. For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in Section 4.5.4.a.3. Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.
 - c. For vessels equipped with a double-seal system as specified in Section 4.1.5.a.2.ii. of this permit:
 1. Visually inspect the vessel as specified in paragraph d. of this section at least every 5 years; or
 2. Visually inspect the vessel as specified in paragraph b. of this section.

- d. 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.

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

4.3. Testing Requirements

See Facility-Wide Testing Requirements - Section 3.3.

4.4. Recordkeeping Requirements

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

1. Records of the types of petroleum liquids stored;
2. Records of the maximum true vapor pressure of the liquid as stored; and
3. Records of the results of the inspections performed in accordance with sections 4.2.1. and 4.2.3. of this permit.

[45CSR13 – Permit No. R13-1352, Condition 4.4.4.; 45CSR§§21-27.5 and 28.5 (Tanks 251 and 256 – wastewater with offspec petroleum liquid layer and Tanks 253, 264, 265, 266, 267, & 268)]

- 4.4.2. The permittee shall record the throughput of gasoline through associated tanks on a monthly and yearly basis. These records shall be maintained on site for a period of no less than five (5) years for inspection by the Director or a duly authorized representative of the Director.

[45CSR13 – Permit No. R13-1352, Condition 4.4.5.; 45CSR§30-5.1.c. (Tanks 265, 266, 267, & 268)]

- 4.4.3. Annual emissions shall be calculated by the fifteenth day of the subsequent month utilizing the equations listed in Section 7.1.3.2 of AP-42. A twelve month running total of emissions will be maintained to verify compliance with the long term emission limitations. Each month a new twelve month total shall be calculated using the previous twelve months data. Compliance with the hourly emission limits shall be demonstrated by dividing the monthly calculated annual emissions by the number of hours in a year to obtain an hourly average. Records indicating the hourly and twelve month rolling total emissions shall be maintained on site for a period of no less than five (5) years.

[45CSR13 – Permit No. R13-1352, Condition 4.4.6.; 45CSR§30-5.1.c. (Tanks 265, 266, 267, & 268)]

- 4.4.4. The permittee shall keep readily accessible records showing the dimensions of the storage vessel and an analysis showing the capacity of the storage vessel for the life of the source. In addition, the permittee shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period. These records shall be maintained on site for a period of no less than five (5) years. **[45CSR13 – Permit No. R13-1352, Condition 4.4.7.; 45CSR16 and 40 C.F.R. § 60.116b(b) and 40 C.F.R. § 60.116b(c). (Tanks 253, 264, 265, 266, 267, & 268)]**
- 4.4.5. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures. **[45CSR13 – Permit No. R13-1352, Condition 4.4.2. (Tanks 265, 266, 267, 268)]**
- 4.4.6. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:
- a. The equipment involved.
 - b. Steps taken to minimize emissions during the event.
 - c. The duration of the event.
 - d. The estimated increase in emissions during the event.

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

- e. The cause of the malfunction.
- f. Steps taken to correct the malfunction.
- g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

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

4.5. Reporting Requirements

- 4.5.1. The owner or operator of any facility containing sources subject to 45CSR21-27 and 28 shall comply with the requirements in section 4.5.2. **[45CSR13 – Permit No. R13-1352, Condition 4.5.1.; 45CSR§§21-27.7 and 28.6 (Tanks 251 and 256 – wastewater with offspec petroleum liquid layer and Tanks 253, 264, 265, 266, 267, & 268)]**
- 4.5.2. The owner or operator shall, for each occurrence of excess emissions expected to last more than 7 days, within 1 business day of becoming aware of such occurrence, supply the Director by letter with the following information:
- a. The name and location of the facility;
 - b. The subject sources that caused the excess emissions;

- c. The time and date of first observation of the excess emissions; and
- d. The cause and expected duration of the excess emissions.
- e. For sources subject to numerical emission limitations, the estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions; and
- f. The proposed corrective actions and schedule to correct the conditions causing the excess emissions.

[45CSR13 – Permit No. R13-1352, Condition 4.5.3.; 45CSR§21-5.2. (Tanks 251 and 256 – wastewater with offspec petroleum liquid layer, 253, 264, 265, 266, 267, & 268)]

- 4.5.3. The owner or operator shall notify the Director and USEPA in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by Section 4.2.4.a. and d. of this permit to afford the Director and USEPA the opportunity to have an observer present. If the inspection required by Section 4.2.4.d. of this permit is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Director and USEPA at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Director and USEPA at least 7 days prior to the refilling.

[45CSR13 – Permit No. R13-1352, Condition 4.5.4.; 45CSR16 and 40 C.F.R. § 60.113b(a)(5) (Tanks 253, 264, 265, 266, 267, & 268)]

- 4.5.4. The owner or operator of each storage vessel as specified in Section 4.1.5.a. of this permit shall keep records and furnish reports as required by this section depending upon the control equipment installed to meet the requirements of 40 C.F.R. 60, subpart Kb. The owner or operator shall keep copies of all reports and records required by this section for at least 2 years.

- a. After installing control equipment in accordance with Section 4.1.5.a.1. of this permit (fixed roof and internal floating roof), the owner or operator shall meet the following requirements.
 - 1. Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of Sections 4.1.5.a.1. and 4.2.4.a. of this permit. This report shall be an attachment to the notification required by 40 C.F.R. §60.7(a)(3).
 - 2. Keep a record of each inspection performed as required by Section 4.2.4.a., b., c., and d. of this permit. Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).
 - 3. If any of the conditions described in Section 4.2.4.b. of this permit are detected during the annual required visual inspection, a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.
 - 4. After each inspection required by Section 4.2.4.c. of this permit that finds holes or tears in the seal or

seal fabric, or defects in the internal floating roof, or other control equipment defects listed in Section 4.2.4.c.2. of this permit, a report shall be furnished to the Administrator within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of Sections 4.1.5.a. or 4.2.4.c. of this permit and list each repair made.

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

- 4.5.5. The owner or operator of each storage vessel meeting the specifications of Section 4.1.5. of this permit shall notify the Administrator within thirty (30) days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor pressure values for each volume range.

[45CSR13 – Permit No. R13-1352, Condition 4.5.6.; 45CSR16 and 40 C.F.R. § 60.116b(d). (Tanks 253, 264, 265, 266, 267, & 268)]