



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

TO: Interested Parties / Applicant

DATE: July 1, 2010

RE: Countrymark Cooperative, LLP / 129-25574-00037

FROM: Matthew Stuckey, Branch Chief  
Permits Branch  
Office of Air Quality

## Notice of Decision: Approval – Effective Immediately

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3-7 and IC 13-15-6-1(b) or IC 13-15-6-1(a) require that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Suite N 501E, Indianapolis, IN 46204.

For an **initial Title V Operating Permit**, a petition for administrative review must be submitted to the Office of Environmental Adjudication within **thirty (30)** days from the receipt of this notice provided under IC 13-15-5-3, pursuant to IC 13-15-6-1(b).

For a **Title V Operating Permit renewal**, a petition for administrative review must be submitted to the Office of Environmental Adjudication within **fifteen (15)** days from the receipt of this notice provided under IC 13-15-5-3, pursuant to IC 13-15-6-1(a).

The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for considerations at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

Pursuant to 326 IAC 2-7-18(d), any person may petition the U.S. EPA to object to the issuance of an initial Title V operating permit, permit renewal, or modification within sixty (60) days of the end of the forty-five (45) day EPA review period. Such an objection must be based only on issues that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such issues, or if the grounds for such objection arose after the comment period.

To petition the U.S. EPA to object to the issuance of a Title V operating permit, contact:

U.S. Environmental Protection Agency  
401 M Street  
Washington, D.C. 20406

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.



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## Part 70 Operating Permit Renewal OFFICE OF AIR QUALITY

**Countrymark Cooperative, LLP  
South Mann and West Ohio Street  
Mount Vernon, Indiana 47620**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

**The Permittee must comply with all conditions of this permit. Noncompliance with any provisions of this permit is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Noncompliance with any provision of this permit, except any provision specifically designated as not federally enforceable, constitutes a violation of the Clean Air Act. It shall not be a defense for the 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. An emergency does constitute an affirmative defense in an enforcement action provided the Permittee complies with the applicable requirements set forth in Section B, Emergency Provisions.**

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-7 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

Operation Permit No.: T129-25574-00037	
Issued by:  Chrystal A. Wagner, Section Chief Permits Branch Office of Air Quality	Issuance Date: July 1, 2010 Expiration Date: July 1, 2015

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## SECTION A SOURCE SUMMARY

This permit is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ). The information describing the source contained in A.1 through A.3 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this permit pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

### A.1 General Information [326 IAC 2-7-4(c)][326 IAC 2-7-5(15)][326 IAC 2-7-1(22)]

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The Permittee owns and operates a stationary petroleum refinery marine vessel loading and unloading dock.

Source Address:	South Mann and West Ohio Street, Mount Vernon, Indiana 47620
Mailing Address:	1200 Refinery Road, Mount Vernon, IN 47620
General Source Phone Number:	(812) 838-8543
SIC Code:	2911
County Location:	Posey
Source Location Status:	Attainment for all criteria pollutants
Source Status:	Part 70 Operating Permit Program Major Source, under PSD Rules Major Source, Section 112 of the Clean Air Act 1 of 28 Source Categories

### A.2 Part 70 Source Definition [326 IAC 2-7-1(22)]

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This source definition for this source is incorporated into this permit as follows:

This marine vessel loading and unloading river dock terminal consists of two (2) plants:

- (a) Plant 1, the refinery, is located at 1200 Refinery Road, Mount Vernon, IN 47620; and
- (b) Plant 2, the river dock terminal, is located at South Mann St. and West Ohio St., Mount Vernon, IN 47620.

On November 24, 2003, in Significant Permit Modification (129-17940-00003), a source determination concluded that Plant 1 (the refinery) and Plant 2 (the river dock terminal) are under the common control of Countrymark Cooperative, LLP and will be considered one source. These two plants are considered one source because they are located on adjacent properties, are under common ownership, and belong to the same industrial grouping. Therefore, the term "source" in the Part 70 documents refers to both Plant 1 and Plant 2 as one source.

Separate Part 70 renewal permits are being issued to Countrymark Cooperative, LLP, solely for administrative purposes:

- (a) Plant 1, 129-00003: T129-25424-00003
- (b) Plant 2, 129-00037: T129-25574-00037

### A.3 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)][326 IAC 2-7-5(15)]

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This stationary source consists of the following emission units and pollution control devices:

- (a) One (1) fixed roof cone tank, identified as Tank No. 23, constructed in 1942, with a capacity of 9,828 gallons;

- (b) One (1) fixed roof cone tank, identified as Tank No. 27, constructed in 1961, with a capacity of 42,000 gallons;
- (c) One (1) fixed roof cone tank, identified as Tank No. 28, constructed in 1961, with a capacity of 42,000 gallons;
- (d) One (1) fixed roof cone tank, identified as Tank No. 31, constructed in 1942, with a capacity of 8,274 gallons;
- (e) One (1) fixed roof cone tank, identified as Tank No. 32, constructed in 1942, with a capacity of 9,744 gallons;
- (f) One (1) tank, identified as Skid Tank, constructed in 1960, with a capacity of 576 gallons;
- (g) One (1) tank, identified as Dock Tank, constructed in 1950, with a capacity of 564 gallons;
- (h) One (1) upstream barge containment, constructed in 1942, with a capacity of 12,209 gallons;
- (i) One (1) downstream barge containment, constructed in 1942, with a capacity of 12,209 gallons;
- (j) One (1) barge loading and unloading facility, constructed in 1952;
- (k) Pipeline Valves: Gas Stream;
- (l) Pipeline Valves: Light Liquid;
- (m) Pipeline Valves: Heavy Liquid;
- (n) Open Ended Valves;
- (o) Flanges;
- (p) Pump Seals: Light Liquid;
- (q) Pump Seals: Heavy Liquid;
- (r) Drains; and
- (s) Vessel relief valves.

A.4 Specifically Regulated Insignificant Activities  
[326 IAC 2-7-1(21)][326 IAC 2-7-4(c)][326 IAC 2-7-5(15)]

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This stationary source does not currently have any insignificant activities, as defined in 326 IAC 2-7-1(21) that are specifically regulated.

A.5 Part 70 Permit Applicability [326 IAC 2-7-2]

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This stationary source is required to have a Part 70 permit by 326 IAC 2-7-2 (Applicability) because:

- (a) It is a major source, as defined in 326 IAC 2-7-1(22);
- (b) It is a source in a source category designated by the United States Environmental Protection Agency (U.S. EPA) under 40 CFR 70.3 (Part 70 - Applicability).

## SECTION B GENERAL CONDITIONS

### B.1 Definitions [326 IAC 2-7-1]

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Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.

### B.2 Permit Term [326 IAC 2-7-5(2)][326 IAC 2-1.1-9.5][326 IAC 2-7-4(a)(1)(D)][IC 13-15-3-6(a)]

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- (a) This permit, T129-25574-00037, is issued for a fixed term of five (5) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit or of permits issued pursuant to Title IV of the Clean Air Act and 326 IAC 21 (Acid Deposition Control).
- (b) If IDEM, OAQ, upon receiving a timely and complete renewal permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, including any permit shield provided in 326 IAC 2-7-15, until the renewal permit has been issued or denied.

### B.3 Term of Conditions [326 IAC 2-1.1-9.5]

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Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:

- (a) the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or
- (b) the emission unit to which the condition pertains permanently ceases operation.

### B.4 Enforceability [326 IAC 2-7-7] [IC 13-17-12]

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Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.

### B.5 Severability [326 IAC 2-7-5(5)]

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The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

### B.6 Property Rights or Exclusive Privilege [326 IAC 2-7-5(6)(D)]

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

### B.7 Duty to Provide Information [326 IAC 2-7-5(6)(E)]

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- (a) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to IDEM, OAQ copies of records required to be kept by this permit.
- (b) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

### B.8 Certification [326 IAC 2-7-4(f)][326 IAC 2-7-6(1)][326 IAC 2-7-5(3)(C)]

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- (a) A certification required by this permit meets the requirements of 326 IAC 2-7-6(1) if:

- (i) it contains a certification by a "responsible official" as defined by 326 IAC 2-7-1(34), and
  - (ii) the certification is based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) The Permittee may use the attached Certification Form, or its equivalent with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.
  - (c) A "responsible official" is defined at 326 IAC 2-7-1(34).

**B.9 Annual Compliance Certification [326 IAC 2-7-6(5)]**

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- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted no later than July 1 of each year to:

Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

and

United States Environmental Protection Agency, Region V  
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
  - (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
  - (2) The compliance status;
  - (3) Whether compliance was continuous or intermittent;
  - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); and
  - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ may require to determine the compliance status of the source.

The submittal by the Permittee does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

B.10 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)][326 IAC 2-7-6(1) and (6)][326 IAC 1-6-3]

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- (a) A Preventive Maintenance Plan meets the requirements of 326 IAC 1-6-3 if it includes, at a minimum:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
  - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
  - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

The Permittee shall implement the PMPs.

- (b) If required by specific condition(s) in Section D of this permit where no PMP was previously required, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) no later than ninety (90) days after issuance of this permit or ninety (90) days after initial start-up, whichever is later, including the following information on each facility:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
  - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
  - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond the Permittee's control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

The PMP extension notification does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

The Permittee shall implement the PMPs.

- (c) A copy of the PMPs shall be submitted to IDEM, OAQ upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions. The PMPs and their submittal do not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).
- (d) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

B.11 Emergency Provisions [326 IAC 2-7-16]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:

- (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
- (2) The permitted facility was at the time being properly operated;
- (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, or Southwest Regional Office and Southeast Regional Office within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone Number: 1-800-451-6027 (ask for Office of Air Quality, Compliance and Enforcement Branch), or

Telephone Number: 317-233-0178 (ask for Office of Air Quality, Compliance and Enforcement Branch)

Facsimile Number: 317-233-6865

Southwest Regional Office phone: (812) 380-2305; fax: (812) 380-2304.

Southeast Regional Office phone: (812) 358-2027; fax: (812) 358-2058.

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-7-5(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;
- (B) Any steps taken to mitigate the emissions; and
- (C) Corrective actions taken.

The notification which shall be submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.

- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.
- (e) The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ may require that the Preventive Maintenance Plans required under 326 IAC 2-7-4(c)(9) be revised in response to an emergency.
- (f) Failure to notify IDEM, OAQ by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-7 and any other applicable rules.
- (g) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.

B.12 Permit Shield [326 IAC 2-7-15][326 IAC 2-7-20][326 IAC 2-7-12]

- (a) Pursuant to 326 IAC 2-7-15, the Permittee has been granted a permit shield. The permit shield provides that compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that either the applicable requirements are included and specifically identified in this permit or the permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable. The Indiana statutes from IC 13 and rules from 326 IAC, referenced in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Part 70 permit under 326 IAC 2-7 or for applicable requirements for which a permit shield has been granted.  
  
This permit shield does not extend to applicable requirements which are promulgated after the date of issuance of this permit unless this permit has been modified to reflect such new requirements.
- (b) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, IDEM, OAQ, shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.
- (c) No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application. Erroneous information means information that the Permittee knew to be false, or in the exercise of reasonable care should have been known to be false, at the time the information was submitted.
- (d) Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:
  - (1) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;

- (2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;
- (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and
- (4) The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.
- (e) This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).
- (f) This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAQ, has issued the modifications. [326 IAC 2-7-12(c)(7)]
- (g) This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAQ, has issued the modification. [326 IAC 2-7-12(b)(8)]

B.13 Prior Permits Superseded [326 IAC 2-1.1-9.5][326 IAC 2-7-10.5]

- (a) All terms and conditions of permits established prior to T129-25574-00037 and issued pursuant to permitting programs approved into the state implementation plan have been either:
  - (1) incorporated as originally stated,
  - (2) revised under 326 IAC 2-7-10.5, or
  - (3) deleted under 326 IAC 2-7-10.5.
- (b) Provided that all terms and conditions are accurately reflected in this permit, all previous registrations and permits are superseded by this Part 70 operating permit, except for permits issued pursuant to Title IV of the Clean Air Act and 326 IAC 21 (Acid Deposition Control)

B.14 Termination of Right to Operate [326 IAC 2-7-10][326 IAC 2-7-4(a)]

The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-7-3 and 326 IAC 2-7-4(a).

B.15 Permit Modification, Reopening, Revocation and Reissuance, or Termination [326 IAC 2-7-5(6)(C)][326 IAC 2-7-8(a)][326 IAC 2-7-9]

- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Part 70 Operating Permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-7-5(6)(C)] The notification by the Permittee does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).
- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:
  - (1) That this permit contains a material mistake.
  - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.

- (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-7-9(a)(3)]
- (c) Proceedings by IDEM, OAQ to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-7-9(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-7-9(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-7-9(c)]

B.16 Permit Renewal [326 IAC 2-7-3][326 IAC 2-7-4][326 IAC 2-7-8(e)]

- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

- (b) A timely renewal application is one that is:
  - (1) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
  - (2) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.
- (c) If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-7 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified, pursuant to 326 IAC 2-7-4(a)(2)(D), in writing by IDEM, OAQ any additional information identified as being needed to process the application.

B.17 Permit Amendment or Modification [326 IAC 2-7-11][326 IAC 2-7-12] [40 CFR 72]

- (a) Permit amendments and modifications are governed by the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.
- (b) Pursuant to 326 IAC 2-7-11(b) and 326 IAC 2-7-12(a), administrative Part 70 operating permit amendments and permit modifications for purposes of the acid rain portion of a Part 70 permit shall be governed by regulations promulgated under Title IV of the Clean Air Act. [40 CFR 72]

- (c) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

Any such application does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

- (d) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

B.18 Permit Revision Under Economic Incentives and Other Programs  
[326 IAC 2-7-5(8)][326 IAC 2-7-12(b)(2)]

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- (a) No Part 70 permit revision or notice shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.
- (b) Notwithstanding 326 IAC 2-7-12(b)(1) and 326 IAC 2-7-12(c)(1), minor Part 70 permit modification procedures may be used for Part 70 modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that such minor Part 70 permit modification procedures are explicitly provided for in the applicable State Implementation Plan (SIP) or in applicable requirements promulgated or approved by the U.S. EPA.

B.19 Operational Flexibility [326 IAC 2-7-20][326 IAC 2-7-10.5]

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- (a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-7-20(b),(c), or (e) without a prior permit revision, if each of the following conditions is met:
- (1) The changes are not modifications under any provision of Title I of the Clean Air Act;
  - (2) Any preconstruction approval required by 326 IAC 2-7-10.5 has been obtained;
  - (3) The changes do not result in emissions which exceed the limitations provided in this permit (whether expressed herein as a rate of emissions or in terms of total emissions);
  - (4) The Permittee notifies the:

Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

and

United States Environmental Protection Agency, Region V  
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and

- (5) The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to 326 IAC 2-7-20(b),(c), or (e). The Permittee shall make such records available, upon reasonable request, for public review.

Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-7-20(b)(1), (c)(1), and (e)(2).

- (b) The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(36)) without a permit revision, subject to the constraint of 326 IAC 2-7-20(a). For each such Section 502(b)(10) of the Clean Air Act change, the required written notification shall include the following:

- (1) A brief description of the change within the source;
- (2) The date on which the change will occur;
- (3) Any change in emissions; and
- (4) Any permit term or condition that is no longer applicable as a result of the change.

The notification which shall be submitted is not considered an application form, report or compliance certification. Therefore, the notification by the Permittee does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) Emission Trades [326 IAC 2-7-20(c)]  
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-7-20(c).
- (d) Alternative Operating Scenarios [326 IAC 2-7-20(d)]  
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-7-5(9). No prior notification of IDEM, OAQ, or U.S. EPA is required.
- (e) Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.
- (f) This condition does not apply to emission trades of SO<sub>2</sub> or NO<sub>x</sub> under 326 IAC 21 or 326 IAC 10-4.

#### B.20 Source Modification Requirement [326 IAC 2-7-10.5]

A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2.

#### B.21 Inspection and Entry [326 IAC 2-7-6][IC 13-14-2-2][IC 13-30-3-1][IC 13-17-3-2]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a Part 70 source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy any records that must be kept under the conditions of this permit;
- (c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

B.22 Transfer of Ownership or Operational Control [326 IAC 2-7-11]

- (a) The Permittee must comply with the requirements of 326 IAC 2-7-11 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.
- (b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:  
  
Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251  
  
Any such application does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).
- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

B.23 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)][326 IAC 2-1.1-7]

- (a) The Permittee shall pay annual fees to IDEM, OAQ within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.
- (b) Except as provided in 326 IAC 2-7-19(e), failure to pay may result in administrative enforcement action or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.

B.24 Advanced Source Modification Approval [326 IAC 2-7-5(16)] [326 IAC 2-7-10.5]

- (a) The requirements to obtain a source modification approval under 326 IAC 2-7-10.5 or a permit modification under 326 IAC 2-7-12 are satisfied by this permit for the proposed emission units, control equipment or insignificant activities in Sections A.2 and A.3.
- (b) Pursuant to 326 IAC 2-1.1-9 any permit authorizing construction may be revoked if construction of the emission unit has not commenced within eighteen (18) months from the date of issuance of the permit, or if during the construction, work is suspended for a continuous period of one (1) year or more.

B.25 Credible Evidence [326 IAC 2-7-5(3)][326 IAC 2-7-6][62 FR 8314] [326 IAC 1-1-6]

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

## SECTION C SOURCE OPERATION CONDITIONS

Entire Source

### Emission Limitations and Standards [326 IAC 2-7-5(1)]

C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]

Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.

C.2 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-1 (Applicability) and 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

C.3 Open Burning [326 IAC 4-1] [IC 13-17-9]

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.

C.4 Incineration [326 IAC 4-2] [326 IAC 9-1-2]

The Permittee shall not operate an incinerator except as provided in 326 IAC 4-2 or in this permit. The Permittee shall not operate a refuse incinerator or refuse burning equipment except as provided in 326 IAC 9-1-2 or in this permit.

C.5 Fugitive Dust Emissions [326 IAC 6-4]

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions). 326 IAC 6-4-2(4) is not federally enforceable.

C.6 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]

- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.
- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:

- (1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or
- (2) If there is a change in the following:
  - (A) Asbestos removal or demolition start date;
  - (B) Removal or demolition contractor; or
  - (C) Waste disposal site.
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).

All required notifications shall be submitted to:

Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

- (e) **Procedures for Asbestos Emission Control**  
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1, emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.
- (f) **Demolition and Renovation**  
The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).
- (g) **Indiana Licensed Asbestos Inspector**  
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Licensed Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement to use an Indiana Licensed Asbestos inspector is not federally enforceable.

### **Testing Requirements [326 IAC 2-7-6(1)]**

#### **C.7 Performance Testing [326 IAC 3-6]**

- (a) For performance testing required by this permit, a test protocol, except as provided elsewhere in this permit, shall be submitted to:

Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue

MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ if the Permittee submits to IDEM, OAQ a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

### **Compliance Requirements [326 IAC 2-1.1-11]**

#### **C.8 Compliance Requirements [326 IAC 2-1.1-11]**

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The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

### **Compliance Monitoring Requirements [326 IAC 2-7-5(1)][326 IAC 2-7-6(1)]**

#### **C.9 Compliance Monitoring [326 IAC 2-7-5(3)][326 IAC 2-7-6(1)]**

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Unless otherwise specified in this permit, for all monitoring requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or of initial start-up, whichever is later, to begin such monitoring. If due to circumstances beyond the Permittee's control, any monitoring equipment required by this permit cannot be installed and operated no later than ninety (90) days after permit issuance or the date of initial startup, whichever is later, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a source modification shall be implemented when operation begins.

#### **C.10 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]**

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Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60, Appendix B, 40 CFR 63, or other approved methods as specified in this permit.

**C.11 Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]**

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- (a) When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device shall have a scale such that the expected maximum reading for the normal range shall be no less than twenty percent (20%) of full scale.
- (b) The Permittee may request that the IDEM, OAQ approve the use of an instrument that does not meet the above specifications provided the Permittee can demonstrate that an alternative instrument specification will adequately ensure compliance with permit conditions requiring the measurement of the parameters.

**Corrective Actions and Response Steps [326 IAC 2-7-5][326 IAC 2-7-6]**

**C.12 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]**

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Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):

- (a) The Permittee shall maintain the most recently submitted written emergency reduction plans (ERPs) consistent with safe operating procedures.
- (b) Upon direct notification by IDEM, OAQ that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. [326 IAC 1-5-3]

**C.13 Risk Management Plan [326 IAC 2-7-5(12)] [40 CFR 68]**

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If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.

**C.14 Response to Excursions or Exceedances [326 IAC 2-7-5] [326 IAC 2-7-6]**

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Upon detecting an excursion where a response step is required by the D Section or an exceedance of a limitation in this permit:

- (a) The Permittee shall take reasonable response steps to restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing excess emissions.
- (b) The response shall include minimizing the period of any startup, shutdown or malfunction. The response may include, but is not limited to, the following:
  - (1) initial inspection and evaluation;
  - (2) recording that operations returned or are returning to normal without operator action (such as through response by a computerized distribution control system);  
or
  - (3) any necessary follow-up actions to return operation to normal or usual manner of operation.
- (c) A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:
  - (1) monitoring results;
  - (2) review of operation and maintenance procedures and records; and/or
  - (3) inspection of the control device, associated capture system, and the process.

- (d) Failure to take reasonable response steps shall be considered a deviation from the permit.
- (e) The Permittee shall record the reasonable response steps taken.

**C.15 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-7-5][326 IAC 2-7-6]**

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall submit a description of its response actions to IDEM, OAQ, no later than seventy-five (75) days after the date of the test.
- (b) A retest to demonstrate compliance shall be performed no later than one hundred eighty (180) days after the date of the test. Should the Permittee demonstrate to IDEM, OAQ that retesting in one hundred eighty (180) days is not practicable, IDEM, OAQ may extend the retesting deadline
- (c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The response action documents submitted pursuant to this condition do require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

**Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]**

**C.16 Emission Statement [326 IAC 2-7-5(3)(C)(iii)][326 IAC 2-7-5(7)][326 IAC 2-7-19(c)][326 IAC 2-6]**

Pursuant to 326 IAC 2-6-3(a)(1), the Permittee shall submit by July 1 of each year an emission statement covering the previous calendar year. The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4(c) and shall meet the following requirements:

- (1) Indicate estimated actual emissions of all pollutants listed in 326 IAC 2-6-4(a);
- (2) Indicate estimated actual emissions of regulated pollutants as defined by 326 IAC 2-7-1(32) ("Regulated pollutant, which is used only for purposes of Section 19 of this rule") from the source, for purpose of fee assessment.

The statement must be submitted to:

Indiana Department of Environmental Management  
Technical Support and Modeling Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-50 IGCN 1003  
Indianapolis, Indiana 46204-2251

The emission statement does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

**C.17 General Record Keeping Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-6]**

- (a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Unless otherwise specified in this permit, for all record keeping requirements not already

legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or the date of initial start-up, whichever is later, to begin such record keeping.

**C.18 General Reporting Requirements [326 IAC 2-7-5(3)(C)] [326 IAC 2-1.1-11]**

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- (a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported except that a deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. This report shall be submitted not later than thirty (30) days after the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34). A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.
- (b) The address for report submittal is:  
  
Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251
- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.
- (d) Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.

**Stratospheric Ozone Protection**

**C.19 Compliance with 40 CFR 82 and 326 IAC 22-1**

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Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with applicable standards for recycling and emissions reduction.

## SECTION D.1 EMISSIONS UNIT OPERATION CONDITIONS

### Emissions Unit Description:

- (a) One (1) fixed roof cone tank, identified as Tank No. 23, constructed in 1942, with a capacity of 9,828 gallons;
- (b) One (1) fixed roof cone tank, identified as Tank No. 27, constructed in 1961, with a capacity of 42,000 gallons;
- (c) One (1) fixed roof cone tank, identified as Tank No. 28, constructed in 1961, with a capacity of 42,000 gallons;
- (d) One (1) fixed roof cone tank, identified as Tank No. 31, constructed in 1942, with a capacity of 8,274 gallons;
- (e) One (1) fixed roof cone tank, identified as Tank No. 32, constructed in 1942, with a capacity of 9,744 gallons;
- (f) One (1) tank, identified as Skid Tank, constructed in 1960, with a capacity of 576 gallons;
- (g) One (1) tank, identified as Dock Tank, constructed in 1950, with a capacity of 564 gallons;
- (h) One (1) upstream barge containment, constructed in 1942, with a capacity of 12,209 gallons;
- (i) One (1) downstream barge containment, constructed in 1942, with a capacity of 12,209 gallons;
- (j) One (1) barge loading and unloading facility, constructed in 1952;
- (k) Pipeline Valves: Gas Stream;
- (l) Pipeline Valves: Light Liquid;
- (m) Pipeline Valves: Heavy Liquid;
- (n) Open Ended Valves;
- (o) Flanges;
- (p) Pump Seals: Light Liquid;
- (q) Pump Seals: Heavy Liquid;
- (r) Drains; and
- (s) Vessel RVs.

(The information describing the process contained in this emissions unit description box is descriptive information and does not constitute enforceable conditions.)

## **Emission Limitations and Standards [326 IAC 2-7-5(1)]**

### **D.1.1 Preventive Maintenance Plan [326 IAC 2-7-5(13)]**

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A Preventive Maintenance Plan is required for Tanks Nos. 23, 27, 28, 31, 32, Skid Tank, Dock Tank, Upstream Barge Containment and Downstream Barge Containment, barge loading and unloading facilities and any control devices. Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.

## SECTION E.1 EMISSIONS UNIT OPERATION CONDITIONS

### Emissions Unit Description:

- (a) One (1) barge loading and unloading facility, constructed in 1952; Under 40 CFR 63, Subpart R, this facility is considered an existing bulk gasoline terminal.

(The information describing the process contained in this emissions unit description box is descriptive information and does not constitute enforceable conditions.)

### Emission Limitations and Standards [326 IAC 2-7-5(1)]

#### E.1.1 General Provisions Relating to HAPs [326 IAC 20-1-1] [40 CFR Part 63, Subpart A]

The provisions of 40 CFR Part 63, Subpart A - General Provisions, which are incorporated as 326 IAC 20-1-1, apply to the facility described in this section except when otherwise specified in Table 1 of 40 CFR Part 63, Subpart R.

#### E.1.2 Gasoline Distribution Facilities NESHAP [326 IAC 20-10-1] [40 CFR 63, Subpart R]

The Permittee shall comply with the provisions of 40 CFR 63, Subpart R - National Emission Standards for Gasoline Distribution Facilities, which are incorporated by reference as 326 IAC 20-10-1, that apply to the barge loading and unloading facility. This rule is included as Attachment A. This source is subject to the following requirements of 40 CFR Part 63, Subpart R:

- (1) 40 CFR Part 63.420 (i)
- (2) 40 CFR Part 63.421
- (3) 40 CFR Part 63.422 (a-c)
- (4) 40 CFR Part 63.425 (a-c), (e-h)
- (5) 40 CFR Part 63.427 (a-b)
- (6) 40 CFR Part 63.428(b), (c), (g)(1), (h)(1-3)

#### E.1.3 National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries NESHAP [326 IAC 20-16-1] [40 CFR 63, Subpart CC]

Pursuant to 40 CFR Part 63, Subpart CC, the Permittee shall comply with the provisions of National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries, which are incorporated by reference as 326 IAC 20-16-1. A copy of this rule is included as Attachment B. This source is subject to the following requirements of 40 CFR Part 63, Subpart CC:

- (1) 40 CFR Part 63.650

#### E.1.4 Standards of Performance for Bulk Gasoline Terminals [40 CFR 60, Subpart XX]

Pursuant to 40 CFR Part 63.422(a), the Permittee shall comply with the provisions of the National Source Performance Standards for Bulk Gasoline Terminals, which are incorporated by reference as 326 IAC 12-1-1. A copy of the rule is included as Attachment C. This source is subject to the following requirements of 40 CFR Part 60, Subpart XX:

- (1) 40 CFR Part 60.502

The provisions of 40 CFR Part 60, Subpart A - General Provisions, which are incorporated by reference in 326 IAC 12-1, apply to the facility described in this section except when otherwise specified in 40 CFR Part 60, Subpart XX.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY  
PART 70 OPERATING PERMIT  
CERTIFICATION**

Source Name: Countrymark Cooperative, LLP  
Source Address: South Mann and West Ohio Street, Mount Vernon, Indiana 47620  
Part 70 Permit No.: T129-25574-00037

**This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this permit.**

Please check what document is being certified:

- Annual Compliance Certification Letter
- Test Result (specify)
- Report (specify)
- Notification (specify)
- Affidavit (specify)
- Other (specify)

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Phone:

Date:

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR QUALITY  
COMPLIANCE BRANCH  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251  
Phone: 317-233-0178  
Fax: 317-233-6865**

**PART 70 OPERATING PERMIT  
EMERGENCY OCCURRENCE REPORT**

Source Name: Countrymark Cooperative, LLP  
Source Address: South Mann and West Ohio Street, Mount Vernon, Indiana 47620  
Part 70 Permit No.: T129-25574-00037

**This form consists of 2 pages**

**Page 1 of 2**

- This is an emergency as defined in 326 IAC 2-7-1(12)
- The Permittee must notify the Office of Air Quality (OAQ), within four (4) business hours (1-800-451-6027 or 317-233-0178, ask for Compliance Section); and
  - The Permittee must submit notice in writing or by facsimile within two (2) working days (Facsimile Number: 317-233-6865), and follow the other requirements of 326 IAC 2-7-16.

If any of the following are not applicable, mark N/A

Facility/Equipment/Operation:
Control Equipment:
Permit Condition or Operation Limitation in Permit:
Description of the Emergency:
Describe the cause of the Emergency:

If any of the following are not applicable, mark N/A

**Page 2 of 2**

Date/Time Emergency started:
Date/Time Emergency was corrected:
Was the facility being properly operated at the time of the emergency?    Y    N
Type of Pollutants Emitted: TSP, PM-10, SO <sub>2</sub> , VOC, NO <sub>x</sub> , CO, Pb, other:
Estimated amount of pollutant(s) emitted during emergency:
Describe the steps taken to mitigate the problem:
Describe the corrective actions/response steps taken:
Describe the measures taken to minimize emissions:
If applicable, describe the reasons why continued operation of the facilities are necessary to prevent imminent injury to persons, severe damage to equipment, substantial loss of capital investment, or loss of product or raw materials of substantial economic value:

Form Completed by: \_\_\_\_\_

Title / Position: \_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
 OFFICE OF AIR QUALITY  
 COMPLIANCE DATA SECTION  
 PART 70 OPERATING PERMIT  
 QUARTERLY DEVIATION AND COMPLIANCE MONITORING REPORT**

Source Name: Countrymark Cooperative, LLP  
 Source Address: South Mann and West Ohio Street, Mount Vernon, Indiana 47620  
 Part 70 Permit No.: T129-25574-00037

**Months: \_\_\_\_\_ to \_\_\_\_\_ Year: \_\_\_\_\_**

This report shall be submitted quarterly based on a calendar year. Any deviation from the requirements, the date(s) of each deviation, the probable cause of the deviation, and the response steps taken must be reported. A deviation required to be reported pursuant to an applicable requirement that exists independent of the permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. Additional pages may be attached if necessary. If no deviations occurred, please specify in the box marked "No deviations occurred this reporting period".	
<input type="checkbox"/> NO DEVIATIONS OCCURRED THIS REPORTING PERIOD.	
<input type="checkbox"/> THE FOLLOWING DEVIATIONS OCCURRED THIS REPORTING PERIOD	
<b>Permit Requirement (specify permit condition #)</b>	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	
<b>Permit Requirement (specify permit condition #)</b>	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	

<b>Permit Requirement (specify permit condition #)</b>	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	
<b>Permit Requirement (specify permit condition #)</b>	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	
<b>Permit Requirement (specify permit condition #)</b>	
<b>Date of Deviation:</b>	<b>Duration of Deviation:</b>
<b>Number of Deviations:</b>	
<b>Probable Cause of Deviation:</b>	
<b>Response Steps Taken:</b>	

Form Completed by: \_\_\_\_\_

Title / Position: \_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

**Indiana Department of Environmental Management  
Office of Air Quality**

**Attachment A  
for a  
Part 70 Operating Permit**

**Source Background and Description**

<b>Source Name:</b>	Countrymark Cooperative, LLP
<b>Source Location:</b>	South Mann and West Ohio St., Mount Vernon, IN
<b>County:</b>	Posey
<b>SIC Code:</b>	2911
<b>Permit Renewal No.:</b>	T129-25574-00037
<b>Permit Reviewer:</b>	RLO

**Subpart R—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)**

**Source:** 59 FR 64318, Dec. 14, 1994, unless otherwise noted.

**§ 63.420 Applicability.**

(a) The affected source to which the provisions of this subpart apply is each bulk gasoline terminal, except those bulk gasoline terminals:

(1) For which the owner or operator has documented and recorded to the Administrator's satisfaction that the result,  $E_T$ , of the following equation is less than 1, and complies with requirements in paragraphs (c), (d), (e), and (f) of this section:

$$E_T = CF[0.59(T_F)(1-CE) + 0.17(T_E) + 0.08(T_{ES}) + 0.038(T_I) + 8.5 \times 10^{-6}(C) + KQ] + 0.04(OE)$$

where:

$E_T$  = emissions screening factor for bulk gasoline terminals;

$CF = 0.161$  for bulk gasoline terminals and pipeline breakout stations that do not handle any reformulated or oxygenated gasoline containing 7.6 percent by volume or greater methyl tert-butyl ether (MTBE), OR

$CF = 1.0$  for bulk gasoline terminals and pipeline breakout stations that handle reformulated or oxygenated gasoline containing 7.6 percent by volume or greater MTBE;

$CE$  = control efficiency limitation on potential to emit for the vapor processing system used to control emissions from fixed-roof gasoline storage vessels [value should be added in decimal form (percent divided by 100)];

$T_F$  = total number of fixed-roof gasoline storage vessels without an internal floating roof;

$T_E$  = total number of external floating roof gasoline storage vessels with only primary seals;

$T_{ES}$  = total number of external floating roof gasoline storage vessels with primary and secondary seals;

$T_I$  = total number of fixed-roof gasoline storage vessels with an internal floating roof;

$C$  = number of valves, pumps, connectors, loading arm valves, and open-ended lines in gasoline service;

$Q$  = gasoline throughput limitation on potential to emit or gasoline throughput limit in compliance with paragraphs (c), (d), and (f) of this section (liters/day);

$K = 4.52 \times 10^{-6}$  for bulk gasoline terminals with uncontrolled loading racks (no vapor collection and processing systems), *OR*

$K = (4.5 \times 10^{-9})(EF + L)$  for bulk gasoline terminals with controlled loading racks (loading racks that have vapor collection and processing systems installed on the emission stream);

$EF$  = emission rate limitation on potential to emit for the gasoline cargo tank loading rack vapor processor outlet emissions (mg of total organic compounds per liter of gasoline loaded);

$OE$  = other HAP emissions screening factor for bulk gasoline terminals or pipeline breakout stations (tons per year).  $OE$  equals the total HAP from other emission sources not specified in parameters in the equations for  $E_T$  or  $E_P$ . If the value of  $0.04(OE)$  is greater than 5 percent of either  $E_T$  or  $E_P$ , then paragraphs (a)(1) and (b)(1) of this section shall not be used to determine applicability;

$L = 13$  mg/l for gasoline cargo tanks meeting the requirement to satisfy the test criteria for a vapor-tight gasoline tank truck in §60.501 of this chapter, *OR*

$L = 304$  mg/l for gasoline cargo tanks not meeting the requirement to satisfy the test criteria for a vapor-tight gasoline tank truck in §60.501 of this chapter; or

(2) For which the owner or operator has documented and recorded to the Administrator's satisfaction that the facility is not a major source, or is not located within a contiguous area and under common control of a facility that is a major source, as defined in §63.2 of subpart A of this part.

(b) The affected source to which the provisions of this subpart apply is each pipeline breakout station, except those pipeline breakout stations:

(1) For which the owner or operator has documented and recorded to the Administrator's satisfaction that the result,  $E_P$ , of the following equation is less than 1, and complies with requirements in paragraphs (c), (d), (e), and (f) of this section:

$$E_P = CF [6.7(T_F)(1-CE) + 0.21(T_E) + 0.093(T_{ES}) + 0.1(T_I) + 5.31 \times 10^{-6}(C) + 0.04(OE)];$$

where:

$E_P$  = emissions screening factor for pipeline breakout stations,

and the definitions for  $CF$ ,  $T_F$ ,  $CE$ ,  $T_E$ ,  $T_{ES}$ ,  $T_I$ ,  $C$ , and  $OE$  are the same as provided in paragraph (a)(1) of this section; or

(2) For which the owner or operator has documented and recorded to the Administrator's satisfaction that the facility is not a major source, or is not located within a contiguous area and under common control of a facility that is a major source, as defined in §63.2 of subpart A of this part.

(c) A facility for which the results,  $E_T$  or  $E_P$ , of the calculation in paragraph (a)(1) or (b)(1) of this section has been documented and is less than 1.0 but greater than or equal to 0.50, is exempt from the requirements of this subpart, except that the owner or operator shall:

(1) Operate the facility such that none of the facility parameters used to calculate results under paragraph (a)(1) or (b)(1) of this section, and approved by the Administrator, is exceeded in any rolling 30-day period; and

(2) Maintain records and provide reports in accordance with the provisions of §63.428(i).

(d) A facility for which the results,  $E_T$  or  $E_P$ , of the calculation in paragraph (a)(1) or (b)(1) of this section has been documented and is less than 0.50, is exempt from the requirements of this subpart, except that the owner or operator shall:

(1) Operate the facility such that none of the facility parameters used to calculate results under paragraph (a)(1) or (b)(1) of this section is exceeded in any rolling 30-day period; and

(2) Maintain records and provide reports in accordance with the provisions of §63.428(j).

(e) The provisions of paragraphs (a)(1) and (b)(1) of this section shall not be used to determine applicability to bulk gasoline terminals or pipeline breakout stations that are either:

(1) Located within a contiguous area and under common control with another bulk gasoline terminal or pipeline breakout station, or

(2) Located within a contiguous area and under common control with other sources not specified in paragraphs (a)(1) or (b)(1) of this section, that emit or have the potential to emit a hazardous air pollutant.

(f) Upon request by the Administrator, the owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of any paragraphs in this section including, but not limited to, the parameters and assumptions used in the applicable equation in paragraph (a)(1) or (b)(1) of this section, shall demonstrate compliance with those paragraphs.

(g) Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart that is also subject to applicable provisions of 40 CFR part 60, subpart Kb or XX of this chapter shall comply only with the provisions in each subpart that contain the most stringent control requirements for that facility.

(h) Each owner or operator of an affected source bulk gasoline terminal or pipeline breakout station is subject to the provisions of 40 CFR part 63, subpart A—General Provisions, as indicated in Table 1.

(i) A bulk gasoline terminal or pipeline breakout station with a Standard Industrial Classification code 2911 located within a contiguous area and under common control with a refinery complying with subpart CC, §§63.646, 63.648, 63.649, and 63.650 is not subject to subpart R standards, except as specified in subpart CC, §63.650.

(j) *Rules Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the December 14, 1995 compliance date for existing facilities in §63.424(e) and §63.428(a), (i)(1), and (j)(1) of this subpart is stayed from December 8, 1995, to March 7, 1996.

[59 FR 64318, Dec. 14, 1994, as amended at 60 FR 43260, Aug. 18, 1995; 60 FR 62992, Dec. 8, 1995; 62 FR 9092, Feb. 28, 1997]

### **§ 63.421 Definitions.**

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act; in subparts A, K, Ka, Kb, and XX of part 60 of this chapter; or in subpart A of this part. All terms defined in both subpart A of part 60 of this chapter and subpart A of this part shall have the meaning given in subpart A of this part. For purposes of this subpart, definitions in this section supersede definitions in other parts or subparts.

*Bulk gasoline terminal* means any gasoline facility which receives gasoline by pipeline, ship or barge, and has a gasoline throughput greater than 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under Federal, State or local law and discoverable by the Administrator and any other person.

*Controlled loading rack*, for the purposes of §63.420, means a loading rack equipped with vapor collection and processing systems that reduce displaced vapor emissions to no more than 80 milligrams of total organic compounds per liter of gasoline loaded, as measured using the test methods and procedures in §60.503 (a) through (c) of this chapter.

*Equipment* means each valve, pump, pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in the gasoline liquid transfer and vapor collection systems. This definition also includes the entire vapor processing system except the exhaust port(s) or stack(s).

*Flare* means a thermal oxidation system using an open (without enclosure) flame.

*Gasoline cargo tank* means a delivery tank truck or railcar which is loading gasoline or which has loaded gasoline on the immediately previous load.

*In gasoline service* means that a piece of equipment is used in a system that transfers gasoline or gasoline vapors.

*Limitation(s) on potential to emit* means limitation(s) limiting a source's potential to emit as defined in §63.2 of subpart A of this part.

*Operating parameter value* means a value for an operating or emission parameter of the vapor processing system (e.g., temperature) which, if maintained continuously by itself or in combination with one or more other operating parameter values, determines that an owner or operator has complied with the applicable emission standard. The operating parameter value is determined using the procedures outlined in §63.425(b).

*Oxygenated gasoline* means the same as defined in 40 CFR 80.2(rr).

*Pipeline breakout station* means a facility along a pipeline containing storage vessels used to relieve surges or receive and store gasoline from the pipeline for reinjection and continued transportation by pipeline or to other facilities.

*Reformulated gasoline* means the same as defined in 40 CFR 80.2(ee).

*Thermal oxidation system* means a combustion device used to mix and ignite fuel, air pollutants, and air to provide a flame to heat and oxidize hazardous air pollutants. Auxiliary fuel may be used to heat air pollutants to combustion temperatures.

*Uncontrolled loading rack* means a loading rack used to load gasoline cargo tanks that is not a controlled loading rack.

*Vapor-tight gasoline cargo tank* means a gasoline cargo tank which has demonstrated within the 12 preceding months that it meets the annual certification test requirements in §63.425(e), and which is subject at all times to the test requirements in §63.425 (f), (g), and (h).

*Volatile organic liquid (VOL)* means, for the purposes of this subpart, gasoline.

[59 FR 64318, Dec. 14, 1994, as amended at 62 FR 9093, Feb. 28, 1997; 68 FR 70965, Dec. 19, 2003]

### **§ 63.422 Standards: Loading racks.**

(a) Each owner or operator of loading racks at a bulk gasoline terminal subject to the provisions of this subpart shall comply with the requirements in §60.502 of this chapter except for paragraphs (b), (c), and (j) of that section. For purposes of this section, the term “affected facility” used in §60.502 of this chapter means the loading racks that load gasoline cargo tanks at the bulk gasoline terminals subject to the provisions of this subpart.

(b) Emissions to the atmosphere from the vapor collection and processing systems due to the loading of gasoline cargo tanks shall not exceed 10 milligrams of total organic compounds per liter of gasoline loaded.

(c) Each owner or operator of a bulk gasoline terminal subject to the provisions of this subpart shall comply with §60.502(e) of this chapter as follows:

(1) For the purposes of this section, the term “tank truck” as used in §60.502(e) of this chapter means “cargo tank.”

(2) Section 60.502(e)(5) of this chapter is changed to read: The terminal owner or operator shall take steps assuring that the nonvapor-tight gasoline cargo tank will not be reloaded at the facility until vapor tightness documentation for that gasoline cargo tank is obtained which documents that:

(i) The tank truck or railcar gasoline cargo tank meets the test requirements in §63.425(e), or the railcar gasoline cargo tank meets applicable test requirements in §63.425(i);

(ii) For each gasoline cargo tank failing the test in §63.425 (f) or (g) at the facility, the cargo tank either:

(A) Before repair work is performed on the cargo tank, meets the test requirements in §63.425 (g) or (h), or

(B) After repair work is performed on the cargo tank before or during the tests in §63.425 (g) or (h), subsequently passes the annual certification test described in §63.425(e).

(d) Each owner or operator shall meet the requirements in all paragraphs of this section as expeditiously as practicable, but no later than December 15, 1997, at existing facilities and upon startup for new facilities.

(e) As an alternative to 40 CFR 60.502(h) and (i) as specified in paragraph (a) of this section, the owner or operator may comply with paragraphs (e)(1) and (2) of this section.

(1) The owner or operator shall design and operate the vapor processing system, vapor collection system, and liquid loading equipment to prevent gauge pressure in the railcar gasoline cargo tank from exceeding the applicable test limits in §63.425(e) and (i) during product loading. This level is not to be exceeded when measured by the procedures specified in 40 CFR 60.503(d) of this chapter.

(2) No pressure-vacuum vent in the bulk gasoline terminal's vapor processing system or vapor collection system may begin to open at a system pressure less than the applicable test limits in §63.425(e) or (i).

[59 FR 64318, Dec. 14, 1994; 60 FR 32913, June 26, 1995, as amended at 68 FR 70965, Dec. 19, 2003]

#### **§ 63.423 Standards: Storage vessels.**

(a) Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall equip each gasoline storage vessel with a design capacity greater than or equal to 75 m<sup>3</sup> according to the requirements in §60.112b(a) (1) through (4) of this chapter, except for the requirements in §§60.112b(a)(1) (iv) through (ix) and 60.112b(a)(2)(ii) of this chapter.

(b) Each owner or operator shall equip each gasoline external floating roof storage vessel with a design capacity greater than or equal to 75 m<sup>3</sup> according to the requirements in §60.112b(a)(2)(ii) of this chapter if such storage vessel does not currently meet the requirements in paragraph (a) of this section.

(c) Each gasoline storage vessel at existing bulk gasoline terminals and pipeline breakout stations shall be in compliance with the requirements in paragraphs (a) and (b) of this section as expeditiously as practicable, but no later than December 15, 1997. At new bulk gasoline terminals and pipeline breakout stations, compliance shall be achieved upon startup.

#### **§ 63.424 Standards: Equipment leaks.**

(a) Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall perform a monthly leak inspection of all equipment in gasoline service. For this inspection, detection methods incorporating sight, sound, and smell are acceptable. Each piece of equipment shall be inspected during the loading of a gasoline cargo tank.

(b) A log book shall be used and shall be signed by the owner or operator at the completion of each inspection. A section of the log shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility.

(c) Each detection of a liquid or vapor leak shall be recorded in the log book. When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak, except as provided in paragraph (d) of this section.

(d) Delay of repair of leaking equipment will be allowed upon a demonstration to the Administrator that repair within 15 days is not feasible. The owner or operator shall provide the reason(s) a delay is needed and the date by which each repair is expected to be completed.

(e) Initial compliance with the requirements in paragraphs (a) through (d) of this section shall be achieved by existing sources as expeditiously as practicable, but no later than December 15, 1997. For new sources, initial compliance shall be achieved upon startup.

(f) As an alternative to compliance with the provisions in paragraphs (a) through (d) of this section, owners or operators may implement an instrument leak monitoring program that has been demonstrated to the Administrator as at least equivalent.

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

(1) Minimize gasoline spills;

- (2) Clean up spills as expeditiously as practicable;
- (3) Cover all open gasoline containers with a gasketed seal when not in use;
- (4) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

[59 FR 64318, Dec. 14, 1994, as amended at 61 FR 7723, Feb. 29, 1996]

**§ 63.425 Test methods and procedures.**

(a) Each owner or operator subject to the emission standard in §63.422(b) or 40 CFR 60.112b(a)(3)(ii) shall comply with the requirements in paragraphs (a)(1) and (2) of this section.

(1) Conduct a performance test on the vapor processing and collection systems according to either paragraph (a)(1)(i) or (ii) of this section.

(i) Use the test methods and procedures in 40 CFR 60.503 of this chapter, except a reading of 500 ppm shall be used to determine the level of leaks to be repaired under 40 CFR 60.503(b), or

(ii) Use alternative test methods and procedures in accordance with the alternative test method requirements in §63.7(f).

(2) The performance test requirements of 40 CFR 60.503(c) do not apply to flares defined in §63.421 and meeting the flare requirements in §63.11(b). The owner or operator shall demonstrate that the flare and associated vapor collection system is in compliance with the requirements in §63.11(b) and 40 CFR 60.503(a), (b), and (d), respectively.

(b) For each performance test conducted under paragraph (a) of this section, the owner or operator shall determine a monitored operating parameter value for the vapor processing system using the following procedure:

(1) During the performance test, continuously record the operating parameter under §63.427(a);

(2) Determine an operating parameter value based on the parameter data monitored during the performance test, supplemented by engineering assessments and the manufacturer's recommendations; and

(3) Provide for the Administrator's approval the rationale for the selected operating parameter value, and monitoring frequency and averaging time, including data and calculations used to develop the value and a description of why the value, monitoring frequency, and averaging time demonstrate continuous compliance with the emission standard in §63.422(b) or §60.112b(a)(3)(ii) of this chapter.

(c) For performance tests performed after the initial test, the owner or operator shall document the reasons for any change in the operating parameter value since the previous performance test.

(d) The owner or operator of each gasoline storage vessel subject to the provisions of §63.423 shall comply with §60.113b of this chapter. If a closed vent system and control device are used, as specified in §60.112b(a)(3) of this chapter, to comply with the requirements in §63.423, the owner or operator shall also comply with the requirements in paragraph (b) of this section.

(e) *Annual certification test.* The annual certification test for gasoline cargo tanks shall consist of the following test methods and procedures:

(1) Method 27, appendix A, 40 CFR part 60. Conduct the test using a time period (t) for the pressure and vacuum tests of 5 minutes. The initial pressure (P<sub>i</sub>) for the pressure test shall be 460 mm H<sub>2</sub>O (18 in. H<sub>2</sub>O), gauge. The initial vacuum (V<sub>i</sub>) for the vacuum test shall be 150 mm H<sub>2</sub>O (6 in. H<sub>2</sub>O), gauge. The maximum allowable pressure and vacuum changes (Δ p, Δ v) are as shown in the second column of Table 2 of this paragraph.

**Table 2—Allowable Cargo Tank Test Pressure or Vacuum Change**

<b>Cargo tank or compartment capacity, liters (gal)</b>	<b>Annual certification-allowable pressure or vacuum change (Δ p, Δ v) in 5 minutes, mm H<sub>2</sub>O (in. H<sub>2</sub>O)</b>	<b>Allowable pressure change (Δ p) in 5 minutes at any time, mm H<sub>2</sub>O (in. H<sub>2</sub>O)</b>
9,464 or more (2,500 or more)	25 (1.0)	64 (2.5)
9,463 to 5,678 (2,499 to 1,500)	38 (1.5)	76 (3.0)
5,679 to 3,785 (1,499 to 1,000)	51 (2.0)	89 (3.5)
3,782 or less (999 or less)	64 (2.5)	102 (4.0)

(2) Pressure test of the cargo tank's internal vapor valve as follows:

(i) After completing the tests under paragraph (e)(1) of this section, use the procedures in Method 27 to repressurize the tank to 460 mm H<sub>2</sub>O (18 in. H<sub>2</sub>O), gauge. Close the tank's internal vapor valve(s), thereby isolating the vapor return line and manifold from the tank.

(ii) Relieve the pressure in the vapor return line to atmospheric pressure, then reseal the line. After 5 minutes, record the gauge pressure in the vapor return line and manifold. The maximum allowable 5-minute pressure increase is 130 mm H<sub>2</sub>O (5 in. H<sub>2</sub>O).

(f) *Leak detection test.* The leak detection test shall be performed using Method 21, appendix A, 40 CFR part 60, except omit section 4.3.2 of Method 21. A vapor-tight gasoline cargo tank shall have no leaks at any time when tested according to the procedures in this paragraph.

(1) The leak definition shall be 21,000 ppm as propane. Use propane to calibrate the instrument, setting the span at the leak definition. The response time to 90 percent of the final stable reading shall be less than 8 seconds for the detector with the sampling line and probe attached.

(2) In addition to the procedures in Method 21, include the following procedures:

(i) Perform the test on each compartment during loading of that compartment or while the compartment is still under pressure.

(ii) To eliminate a positive instrument drift, the dwell time for each leak detection shall not exceed two times the instrument response time. Purge the instrument with ambient air between each leak detection. The duration of the purge shall be in excess of two instrument response times.

(iii) Attempt to block the wind from the area being monitored. Record the highest detector reading and location for each leak.

(g) *Nitrogen pressure decay field test.* For those cargo tanks with manifolded product lines, this test procedure shall be conducted on each compartment.

(1) Record the cargo tank capacity. Upon completion of the loading operation, record the total volume loaded. Seal the cargo tank vapor collection system at the vapor coupler. The sealing apparatus shall have a pressure tap. Open the internal vapor valve(s) of the cargo tank and record the initial headspace pressure. Reduce or increase, as necessary, the initial headspace pressure to 460 mm H<sub>2</sub>O (18.0 in. H<sub>2</sub>O), gauge by releasing pressure or by adding commercial grade nitrogen gas from a high pressure cylinder capable of maintaining a pressure of 2,000 psig.

(i) The cylinder shall be equipped with a compatible two-stage regulator with a relief valve and a flow control metering valve. The flow rate of the nitrogen shall be no less than 2 cfm. The maximum allowable time to pressurize cargo tanks with headspace volumes of 1,000 gallons or less to the appropriate pressure is 4 minutes. For cargo tanks with a headspace of greater than 1,000 gallons, use as a maximum allowable time to pressurize 4 minutes or the result from the equation below, whichever is greater.

$$T = V_h \times 0.004$$

where:

T = maximum allowable time to pressurize the cargo tank, min;

V<sub>h</sub> = cargo tank headspace volume during testing, gal.

(2) It is recommended that after the cargo tank headspace pressure reaches approximately 460 mm H<sub>2</sub>O (18 in. H<sub>2</sub>O), gauge, a fine adjust valve be used to adjust the headspace pressure to 460 mm H<sub>2</sub>O (18.0 in. H<sub>2</sub>O), gauge for the next 30 ±5 seconds.

(3) Reseal the cargo tank vapor collection system and record the headspace pressure after 1 minute. The measured headspace pressure after 1 minute shall be greater than the minimum allowable final headspace pressure (P<sub>F</sub>) as calculated from the following equation:

$$P_F = 18 \left( \frac{(18 - N)}{18} \right)^{\left( \frac{V_s}{3(V_h)} \right)}$$

where:

(P<sub>F</sub>) = minimum allowable final headspace pressure, in. H<sub>2</sub>O, gauge;

V<sub>s</sub> = total cargo tank shell capacity, gal;

V<sub>h</sub> = cargo tank headspace volume after loading, gal;

18.0 = initial pressure at start of test, in. H<sub>2</sub>O, gauge;

N = 5-minute continuous performance standard at any time from the third column of Table 2 of §63.425(e)(i), inches H<sub>2</sub>O.

(4) Conduct the internal vapor valve portion of this test by repressurizing the cargo tank headspace with nitrogen to 460 mm H<sub>2</sub>O (18 in. H<sub>2</sub>O), gauge. Close the internal vapor valve(s), wait for 30 ±5 seconds, then relieve the pressure downstream of the vapor valve in the vapor collection system to atmospheric pressure. Wait 15 seconds, then reseal the vapor collection system. Measure and record the pressure every minute for 5 minutes. Within 5 seconds of the pressure measurement at the end of 5 minutes, open the vapor valve and record the headspace pressure as the “final pressure.”

(5) If the decrease in pressure in the vapor collection system is less than at least one of the interval pressure change values in Table 3 of this paragraph, or if the final pressure is equal to or greater than 20 percent of the 1-minute final headspace pressure determined in the test in paragraph (g)(3) of this section, then the cargo tank is considered to be a vapor-tight gasoline cargo tank.

**Table 3—Pressure Change for Internal Vapor Valve Test**

<b>Time interval</b>	<b>Interval pressure change, mm H<sub>2</sub>O (in. H<sub>2</sub>O)</b>
After 1 minute	28 (1.1)
After 2 minutes	56 (2.2)
After 3 minutes	84 (3.3)
After 4 minutes	112 (4.4)
After 5 minutes	140 (5.5)

(h) *Continuous performance pressure decay test.* The continuous performance pressure decay test shall be performed using Method 27, appendix A, 40 CFR Part 60. Conduct only the positive pressure test using a time period (t) of 5 minutes. The initial pressure (P<sub>i</sub>) shall be 460 mm H<sub>2</sub>O (18 in. H<sub>2</sub>O), gauge. The maximum allowable 5-minute pressure change (Δ p) which shall be met at any time is shown in the third column of Table 2 of §63.425(e)(1).

(i) *Railcar bubble leak test procedures.* As an alternative to paragraph (e) of this section for annual certification leakage testing of gasoline cargo tanks, the owner or operator may comply with paragraphs (i)(1) and (2) of this section for railcar gasoline cargo tanks, provided the railcar tank meets the requirement in paragraph (i)(3) of this section.

(1) Comply with the requirements of 49 CFR 173.31(d), 179.7, 180.509, and 180.511 for the testing of railcar gasoline cargo tanks.

(2) The leakage pressure test procedure required under 49 CFR 180.509(j) and used to show no indication of leakage under 49 CFR 180.511(f) shall be ASTM E 515–95 (incorporated by reference, see §63.14), BS EN 1593:1999 (incorporated by reference, see §63.14), or another bubble leak test procedure meeting the requirements in 49 CFR 179.7, 180.505, and 180.509.

(3) The alternative requirements in this paragraph (i) may not be used for any railcar gasoline cargo tank that collects gasoline vapors from a vapor balance system permitted under or required by a Federal, State, local, or tribal agency. A vapor balance system is a piping and collection system designed to collect gasoline vapors displaced from a storage vessel, barge, or other container being loaded, and routes the displaced gasoline vapors into the railcar gasoline cargo tank from which liquid gasoline is being unloaded.

### **§ 63.426 Alternative means of emission limitation.**

For determining the acceptability of alternative means of emission limitation for storage vessels under §63.423, the provisions of §60.114b of this chapter apply.

### **§ 63.427 Continuous monitoring.**

(a) Each owner or operator of a bulk gasoline terminal subject to the provisions of this subpart shall install, calibrate, certify, operate, and maintain, according to the manufacturer's specifications, a continuous monitoring system (CMS) as specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this section, except as allowed in paragraph (a)(5) of this section.

(1) Where a carbon adsorption system is used, a continuous emission monitoring system (CEMS) capable of measuring organic compound concentration shall be installed in the exhaust air stream.

(2) Where a refrigeration condenser system is used, a continuous parameter monitoring system (CPMS) capable of measuring temperature shall be installed immediately downstream from the outlet to the condenser section. Alternatively, a CEMS capable of measuring organic compound concentration may be installed in the exhaust air stream.

(3) Where a thermal oxidation system other than a flare is used, a CPMS capable of measuring temperature must be installed in the firebox or in the ductwork immediately downstream from the firebox in a position before any substantial heat exchange occurs.

(4) Where a flare meeting the requirements in §63.11(b) is used, a heat-sensing device, such as an ultraviolet beam sensor or a thermocouple, must be installed in proximity to the pilot light to indicate the presence of a flame.

(5) 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 §63.422(b) or §60.112b(a)(3)(ii) of this chapter.

(b) Each owner or operator of a bulk gasoline terminal subject to the provisions of this subpart shall operate the vapor processing system in a manner not to exceed the operating parameter value for the parameter described in paragraphs (a)(1) and (a)(2) of this section, or to go below the operating parameter value for the parameter described in paragraph (a)(3) of this section, and established using the procedures in §63.425(b). In cases where an alternative parameter pursuant to paragraph (a)(5) of this section is approved, each owner or operator shall operate the vapor processing system in a manner not to exceed or not to go below, as appropriate, the alternative operating parameter value. Operation of the vapor processing system in a manner exceeding or going below the operating parameter value, as specified above, shall constitute a violation of the emission standard in §63.422(b).

(c) Each owner or operator of gasoline storage vessels subject to the provisions of §63.423 shall comply with the monitoring requirements in §60.116b of this chapter, except records shall be kept for at least 5 years. If a closed vent system and control device are used, as specified in §60.112b(a)(3) of this chapter, to comply with the requirements in §63.423, the owner or operator shall also comply with the requirements in paragraph (a) of this section.

[59 FR 46350, Sept. 8, 1994, as amended at 68 FR 70966, Dec. 19, 2003]

### **§ 63.428 Reporting and recordkeeping.**

(a) The initial notifications required for existing affected sources under §63.9(b)(2) shall be submitted by 1 year after an affected source becomes subject to the provisions of this subpart or by December 16, 1996,

whichever is later. Affected sources that are major sources on December 16, 1996 and plan to be area sources by December 15, 1997 shall include in this notification a brief, non-binding description of and schedule for the action(s) that are planned to achieve area source status.

(b) Each owner or operator of a bulk gasoline terminal subject to the provisions of this subpart shall keep records of the test results for each gasoline cargo tank loading at the facility as follows:

(1) Annual certification testing performed under §63.425(e) and railcar bubble leak testing performed under §63.425(i); and

(2) Continuous performance testing performed at any time at that facility under §63.425 (f), (g), and (h).

(3) The documentation file shall be kept up-to-date for each gasoline cargo tank loading at the facility. The documentation for each test shall include, as a minimum, the following information:

(i) Name of test: Annual Certification Test—Method 27 (§63.425(e)(1)); Annual Certification Test—Internal Vapor Valve (§63.425(e)(2)); Leak Detection Test (§63.425(f)); Nitrogen Pressure Decay Field Test (§63.425(g)); Continuous Performance Pressure Decay Test (§63.425(h)); or Railcar Bubble Leak Test Procedure (§63.425(i)).

(ii) Cargo tank owner's name and address.

(iii) Cargo tank identification number.

(iv) Test location and date.

(v) Tester name and signature.

(vi) Witnessing inspector, if any: Name, signature, and affiliation.

(vii) Vapor tightness repair: Nature of repair work and when performed in relation to vapor tightness testing.

(viii) Test results: test pressure; pressure or vacuum change, mm of water; time period of test; number of leaks found with instrument; and leak definition.

(c) Each owner or operator of a bulk gasoline terminal subject to the provisions of this subpart shall:

(1) Keep an up-to-date, readily accessible record of the continuous monitoring data required under §63.427(a). This record shall indicate the time intervals during which loadings of gasoline cargo tanks have occurred or, alternatively, shall record the operating parameter data only during such loadings. The date and time of day shall also be indicated at reasonable intervals on this record.

(2) Record and report simultaneously with the notification of compliance status required under §63.9(h):

(i) All data and calculations, engineering assessments, and manufacturer's recommendations used in determining the operating parameter value under §63.425(b); and

(ii) The following information when using a flare under provisions of §63.11(b) to comply with §63.422(b):

(A) Flare design (i.e., steam-assisted, air-assisted, or non-assisted); and

(B) All visible emissions readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required under §63.425(a).

(3) If an owner or operator requests approval to use a vapor processing system or monitor an operating parameter other than those specified in §63.427(a), the owner or operator shall submit a description of planned reporting and recordkeeping procedures. The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the permit application.

(d) Each owner or operator of storage vessels subject to the provisions of this subpart shall keep records and furnish reports as specified in §60.115b of this chapter, except records shall be kept for at least 5 years.

(e) Each owner or operator complying with the provisions of §63.424 (a) through (d) shall record the following information in the log book for each leak that is detected:

(1) The equipment type and identification number;

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

(3) The date the leak was detected and the date of each attempt to repair the leak;

(4) Repair methods applied in each attempt to repair the leak;

(5) "Repair delayed" and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak;

(6) The expected date of successful repair of the leak if the leak is not repaired within 15 days; and

(7) The date of successful repair of the leak.

(f) Each owner or operator subject to the provisions of §63.424 shall report to the Administrator a description of the types, identification numbers, and locations of all equipment in gasoline service. For facilities electing to implement an instrument program under §63.424(f), the report shall contain a full description of the program.

(1) In the case of an existing source or a new source that has an initial startup date before the effective date, the report shall be submitted with the notification of compliance status required under §63.9(h), unless an extension of compliance is granted under §63.6(i). If an extension of compliance is granted, the report shall be submitted on a date scheduled by the Administrator.

(2) In the case of new sources that did not have an initial startup date before the effective date, the report shall be submitted with the application for approval of construction, as described in §63.5(d).

(g) Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall include in a semiannual report to the Administrator the following information, as applicable:

(1) Each loading of a gasoline cargo tank for which vapor tightness documentation had not been previously obtained by the facility;

(2) Periodic reports required under paragraph (d) of this section; and

(3) The number of equipment leaks not repaired within 5 days after detection.

(h) Each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall submit an excess emissions report to the Administrator in accordance with §63.10(e)(3), whether or not a CMS is installed at the facility. The following occurrences are excess emissions events

under this subpart, and the following information shall be included in the excess emissions report, as applicable:

(1) Each exceedance or failure to maintain, as appropriate, the monitored operating parameter value determined under §63.425(b). The report shall include the monitoring data for the days on which exceedances or failures to maintain have occurred, and a description and timing of the steps taken to repair or perform maintenance on the vapor collection and processing systems or the CMS.

(2) Each instance of a nonvapor-tight gasoline cargo tank loading at the facility in which the owner or operator failed to take steps to assure that such cargo tank would not be reloaded at the facility before vapor tightness documentation for that cargo tank was obtained.

(3) Each reloading of a nonvapor-tight gasoline cargo tank at the facility before vapor tightness documentation for that cargo tank is obtained by the facility in accordance with §63.422(c)(2).

(4) For each occurrence of an equipment leak for which no repair attempt was made within 5 days or for which repair was not completed within 15 days after detection:

(i) The date on which the leak was detected;

(ii) The date of each attempt to repair the leak;

(iii) The reasons for the delay of repair; and

(iv) The date of successful repair.

(i) Each owner or operator of a facility meeting the criteria in §63.420(c) shall perform the requirements of this paragraph (i), all of which will be available for public inspection:

(1) Document and report to the Administrator not later than December 16, 1996 for existing facilities, within 30 days for existing facilities subject to §63.420(c) after December 16, 1996, or at startup for new facilities the methods, procedures, and assumptions supporting the calculations for determining criteria in §63.420(c);

(2) Maintain records to document that the facility parameters established under §63.420(c) have not been exceeded; and

(3) Report annually to the Administrator that the facility parameters established under §63.420(c) have not been exceeded.

(4) At any time following the notification required under paragraph (i)(1) of this section and approval by the Administrator of the facility parameters, and prior to any of the parameters being exceeded, the owner or operator may submit a report to request modification of any facility parameter to the Administrator for approval. Each such request shall document any expected HAP emission change resulting from the change in parameter.

(j) Each owner or operator of a facility meeting the criteria in §63.420(d) shall perform the requirements of this paragraph (j), all of which will be available for public inspection:

(1) Document and report to the Administrator not later than December 16, 1996 for existing facilities, within 30 days for existing facilities subject to §63.420(d) after December 16, 1996, or at startup for new facilities the use of the emission screening equations in §63.420(a)(1) or (b)(1) and the calculated value of  $E_T$  or  $E_P$ ;

(2) Maintain a record of the calculations in §63.420 (a)(1) or (b)(1), including methods, procedures, and assumptions supporting the calculations for determining criteria in §63.420(d); and

(3) At any time following the notification required under paragraph (j)(1) of this section, and prior to any of the parameters being exceeded, the owner or operator may notify the Administrator of modifications to the facility parameters. Each such notification shall document any expected HAP emission change resulting from the change in parameter.

(k) As an alternative to keeping records at the terminal of each gasoline cargo tank test result as required in paragraph (b) of this section, an owner or operator may comply with the requirements in either paragraph (k)(1) or (2) of this section.

(1) An electronic copy of each record is instantly available at the terminal.

(i) The copy of each record in paragraph (k)(1) of this section is an exact duplicate image of the original paper record with certifying signatures.

(ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with paragraph (k)(1) of this section.

(2) For facilities that utilize a terminal automation system to prevent gasoline cargo tanks that do not have valid cargo tank vapor tightness documentation from loading ( e.g., via a card lock-out system), a copy of the documentation is made available ( e.g., via facsimile) for inspection by permitting authority representatives during the course of a site visit, or within a mutually agreeable time frame.

(i) The copy of each record in paragraph (k)(2) of this section is an exact duplicate image of the original paper record with certifying signatures.

(ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with paragraph (k)(2) of this section.

[59 FR 64318, Dec. 14, 1994, as amended at 61 FR 7723, Feb. 29, 1996; 62 FR 9093, Feb. 28, 1997; 68 FR 70966, Dec. 19, 2003; 71 FR 17358, Apr. 6, 2006]

### **§ 63.429 Implementation and enforcement.**

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§63.420, 63.422 through 63.423, and 63.424. Any owner or operator requesting to use an alternative means of emission limitation for storage vessels covered by §63.423 must follow the procedures in §63.426.

(2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart, and any alternatives to §63.427(a)(1) through (4) per §63.427(a)(5).

(4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.

[68 FR 37348, June 23, 2003]

**Table 1 to Subpart R of Part 63—General Provisions Applicability to Subpart R**

<b>Reference</b>	<b>Applies to subpart R</b>	<b>Comment</b>
63.1(a)(1)	Yes	
63.1(a)(2)	Yes	
63.1(a)(3)	Yes	
63.1(a)(4)	Yes	
63.1(a)(5)	No	Section reserved
63.1(a)(6)(8)	Yes	
63.1(a)(9)	No	Section reserved
63.1(a)(10)	Yes	
63.1(a)(11)	Yes	
63.1(a)(12))– (a)(14)	Yes	
63.1(b)(1)	No	Subpart R specifies applicability in §63.420
63.1(b)(2)	Yes	
63.1(b)(3)	No	Subpart R specifies reporting and recordkeeping for some large area sources in §63.428
63.1(c)(1)	Yes	
63.1(c)(2)	Yes	Some small sources are not subject to subpart R
63.1(c)(3)	No	Section reserved
63.1(c)(4)	Yes	
63.1(c)(5)	Yes	
63.1(d)	No	Section reserved
63.1(e)	Yes	
63.2	Yes	Additional definitions in §63.421
63.3(a)–(c)	Yes	

63.4(a)(1)– (a)(3)	Yes	
63.4(a)(4)	No	Section reserved
63.4(a)(5)	Yes	
63.4(b)	Yes	
63.4(c)	Yes	
63.5(a)(1)	Yes	
63.5(a)(2)	Yes	
63.5(b)(1)	Yes	
63.5(b)(2)	No	Section reserved
63.5(b)(3)	Yes	
63.5(b)(4)	Yes	
63.5(b)(5)	Yes	
63.5(b)(6)	Yes	
63.5(c)	No	Section reserved
63.5(d)(1)	Yes	
63.5(d)(2)	Yes	
63.5(d)(3)	Yes	
63.5(d)(4)	Yes	
63.5(e)	Yes	
63.5(f)(1)	Yes	
63.5(f)(2)	Yes	
63.6(a)	Yes	
63.6(b)(1)	Yes	
63.6(b)(2)	Yes	
63.6(b)(3)	Yes	
63.6(b)(4)	Yes	
63.6(b)(5)	Yes	
63.6(b)(6)	No	Section reserved

63.6(b)(7)	Yes	
63.6(c)(1)	No	Subpart R specifies the compliance date
63.6(c)(2)	Yes	
63.6(c)(3)– (c)(4)	No	Sections reserved
63.6(c)(5)	Yes	
63.6(d)	No	Section reserved
63.6(e)	Yes	
63.6(f)(1)	Yes	
63.6(f)(2)	Yes	
63.6(f)(3)	Yes	
63.6(g)	Yes	
63.6(h)	No	Subpart R does not require COMS
63.6(i)(1)– (i)(14)	Yes	
63.6(i)(15)	No	Section reserved
63.6(i)(16)	Yes	
63.6(j)	Yes	
63.7(a)(1)	Yes	
63.7(a)(2)	Yes	
63.7(a)(3)	Yes	
63.7(b)	Yes	
63.7(c)	Yes	
63.7(d)	Yes	
63.7(e)(1)	Yes	
63.7(e)(2)	Yes	
63.7(e)(3)	Yes	
63.7(e)(4)	Yes	
63.7(f)	Yes	
63.7(g)	Yes	

63.7(h)	Yes	
63.8(a)(1)	Yes	
63.8(a)(2)	Yes	
63.8(a)(3)	No	Section reserved
63.8(a)(4)	Yes	
63.8(b)(1)	Yes	
63.8(b)(2)	Yes	
63.8(b)(3)	Yes	
63.8(c)(1)	Yes	
63.8(c)(2)	Yes	
63.8(c)(3)	Yes	
63.8(c)(4)	Yes	
63.8(c)(5)	No	Subpart R does not require COMS
63.8(c)(6)– (c)(8)	Yes	
63.8(d)	Yes	
63.8(e)	Yes	
63.8(f)(1)– (f)(5)	Yes	
63.8(f)(6)	Yes	
63.8(g)	Yes	
63.9(a)	Yes	
63.9(b)(1)	Yes	
63.9(b)(2)	No	Subpart R allows additional time for existing sources to submit initial notification. Sec. 63.428(a) specifies submittal by 1 year after being subject to the rule or December 16, 1996, whichever is later.
63.9(b)(3)	Yes	
63.9(b)(4)	Yes	
63.9(b)(5)	Yes	
63.9(c)	Yes	

63.9(d)	Yes	
63.9(e)	Yes	
63.9(f)	Yes	
63.9(g)	Yes	
63.9(h)(1)– (h)(3)	Yes	
63.9(h)(4)	No	Section reserved
63.9(h)(5)– (h)(6)	Yes	
63.9(i)	Yes	
63.9(j)	Yes	
63.10(a)	Yes	
63.10(b)(1)	Yes	
63.10(b)(2)	Yes	
63.10(b)(3)	Yes	
63.10(c)(1)	Yes	
63.10(c)(2)– (c)(4)	No	Sections reserved
63.10(c)(5)– (c)(8)	Yes	
63.10(c)(9)	No	Section reserved
63.10(c)(5)– (c)(8)	Yes	
63.10(d)(1)	Yes	
63.10(d)(2)	Yes	
63.10(d)(3)	Yes	
63.10(d)(4)	Yes	
63.10(d)(5)	Yes	
63.10(e)	Yes	
63.10(f)	Yes	
63.11(a)–(b)	Yes	

63.12(a)-(c)	Yes	
63.13(a)-(c)	Yes	
63.14(a)-(b)	Yes	
63.15(a)-(b)	Yes	

**Indiana Department of Environmental Management  
Office of Air Quality**

**Attachment B  
for a  
Part 70 Operating Permit**

**Source Background and Description**

<b>Source Name:</b>	Countrymark Cooperative, LLP
<b>Source Location:</b>	South Mann and West Ohio St., Mount Vernon, IN
<b>County:</b>	Posey
<b>SIC Code:</b>	2911
<b>Permit Renewal No.:</b>	T129-25574-00037
<b>Permit Reviewer:</b>	RLO

**Subpart CC—National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries**

**Source:** 60 FR 43260, Aug. 18, 1995, unless otherwise noted.

**§ 63.640 Applicability and designation of affected source.**

(a) This subpart applies to petroleum refining process units and to related emissions points that are specified in paragraphs (c)(5) through (c)(8) of this section that are located at a plant site and that meet the criteria in paragraphs (a)(1) and (2) of this section:

(1) Are located at a plant site that is a major source as defined in section 112(a) of the Clean Air Act; and

(2) Emit or have equipment containing or contacting one or more of the hazardous air pollutants listed in table 1 of this subpart.

(b)(1) If the predominant use of the flexible operation unit, as described in paragraphs (b)(1)(i) and (ii) of this section, is as a petroleum refining process unit, as defined in §63.641, then the flexible operation unit shall be subject to the provisions of this subpart.

(i) Except as provided in paragraph (b)(1)(ii) of this section, the predominant use of the flexible operation unit shall be the use representing the greatest annual operating time.

(ii) If the flexible operation unit is used as a petroleum refining process unit and for another purpose equally based on operating time, then the predominant use of the flexible operation unit shall be the use that produces the greatest annual production on a mass basis.

(2) The determination of applicability of this subpart to petroleum refining process units that are designed and operated as flexible operation units shall be reported as specified in §63.655(h)(6)(i).

(c) For the purposes of this subpart, the affected source shall comprise all emissions points, in combination, listed in paragraphs (c)(1) through (c)(8) of this section that are located at a single refinery plant site.

(1) All miscellaneous process vents from petroleum refining process units meeting the criteria in paragraph (a) of this section;

(2) All storage vessels associated with petroleum refining process units meeting the criteria in paragraph (a) of this section;

(3) All wastewater streams and treatment operations associated with petroleum refining process units meeting the criteria in paragraph (a) of this section;

(4) All equipment leaks from petroleum refining process units meeting the criteria in paragraph (a) of this section;

(5) All gasoline loading racks classified under Standard Industrial Classification code 2911 meeting the criteria in paragraph (a) of this section;

(6) All marine vessel loading operations located at a petroleum refinery meeting the criteria in paragraph (a) of this section and the applicability criteria of subpart Y, §63.560;

(7) All storage vessels and equipment leaks associated with a bulk gasoline terminal or pipeline breakout station classified under Standard Industrial Classification code 2911 located within a contiguous area and under common control with a refinery meeting the criteria in paragraph (a) of this section; and

(8) All heat exchange systems associated with petroleum refining process units meeting the criteria in paragraph (a) of this section and which are in organic hazardous air pollutants (HAP) service as defined in this subpart.

(d) The affected source subject to this subpart does not include the emission points listed in paragraphs (d)(1) through (d)(5) of this section.

(1) Stormwater from segregated stormwater sewers;

(2) Spills;

(3) Any pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, valve, or instrumentation system that is intended to operate in organic hazardous air pollutant service, as defined in §63.641 of this subpart, for less than 300 hours during the calendar year;

(4) Catalytic cracking unit and catalytic reformer catalyst regeneration vents, and sulfur plant vents; and

(5) Emission points routed to a fuel gas system, as defined in §63.641 of this subpart. No testing, monitoring, recordkeeping, or reporting is required for refinery fuel gas systems or emission points routed to refinery fuel gas systems.

(e) The owner or operator of a storage vessel constructed on or before August 18, 1994, shall follow the procedures specified in paragraphs (e)(1) and (e)(2) of this section to determine whether a storage vessel is part of a source to which this subpart applies. The owner or operator of a storage vessel constructed after August 18, 1994, shall follow the procedures specified in paragraphs (e)(1), (e)(2)(i), and (e)(2)(ii) of this section to determine whether a storage vessel is part of a source to which this subpart applies.

(1) Where a storage vessel is used exclusively by a process unit, the storage vessel shall be considered part of that process unit.

(i) If the process unit is a petroleum refining process unit subject to this subpart, then the storage vessel is part of the affected source to which this subpart applies.

(ii) If the process unit is not subject to this subpart, then the storage vessel is not part of the affected source to which this subpart applies.

(2) If a storage vessel is not dedicated to a single process unit, then the applicability of this subpart shall be determined according to the provisions in paragraphs (e)(2)(i) through (e)(2)(iii) of this section.

(i) If a storage vessel is shared among process units and one of the process units has the predominant use, as determined by paragraphs (e)(2)(i)(A) and (e)(2)(i)(B) of this section, then the storage vessel is part of that process unit.

(A) If the greatest input on a volume basis into the storage vessel is from a process unit that is located on the same plant site, then that process unit has the predominant use.

(B) If the greatest input on a volume basis into the storage vessel is provided from a process unit that is not located on the same plant site, then the predominant use shall be the process unit that receives the greatest amount of material on a volume basis from the storage vessel at the same plant site.

(ii) If a storage vessel is shared among process units so that there is no single predominant use, and at least one of those process units is a petroleum refining process unit subject to this subpart, the storage vessel shall be considered to be part of the petroleum refining process unit that is subject to this subpart. If more than one petroleum refining process unit is subject to this subpart, the owner or operator may assign the storage vessel to any of the petroleum refining process units subject to this subpart.

(iii) If the predominant use of a storage vessel varies from year to year, then the applicability of this subpart shall be determined based on the utilization of that storage vessel during the year preceding August 18, 1995. This determination shall be reported as specified in §63.655(h)(6)(ii).

(f) The owner or operator of a distillation unit constructed on or before August 18, 1994, shall follow the procedures specified in paragraphs (f)(1) through (f)(4) of this section to determine whether a miscellaneous process vent from a distillation unit is part of a source to which this subpart applies. The owner or operator of a distillation unit constructed after August 18, 1994, shall follow the procedures specified in paragraphs (f)(1) through (f)(5) of this section to determine whether a miscellaneous process vent from a distillation unit is part of a source to which this subpart applies.

(1) If the greatest input to the distillation unit is from a process unit located on the same plant site, then the distillation unit shall be assigned to that process unit.

(2) If the greatest input to the distillation unit is provided from a process unit that is not located on the same plant site, then the distillation unit shall be assigned to the process unit located at the same plant site that receives the greatest amount of material from the distillation unit.

(3) If a distillation unit is shared among process units so that there is no single predominant use, as described in paragraphs (f)(1) and (f)(2) of this section, and at least one of those process units is a petroleum refining process unit subject to this subpart, the distillation unit shall be assigned to the petroleum refining process unit that is subject to this subpart. If more than one petroleum refining process unit is subject to this subpart, the owner or operator may assign the distillation unit to any of the petroleum refining process units subject to this rule.

(4) If the process unit to which the distillation unit is assigned is a petroleum refining process unit subject to this subpart and the vent stream contains greater than 20 parts per million by volume total organic hazardous air pollutants, then the vent from the distillation unit is considered a miscellaneous process vent (as defined in §63.641 of this subpart) and is part of the source to which this subpart applies.

(5) If the predominant use of a distillation unit varies from year to year, then the applicability of this subpart shall be determined based on the utilization of that distillation unit during the year preceding August 18, 1995. This determination shall be reported as specified in §63.655(h)(6)(iii).

(g) The provisions of this subpart do not apply to the processes specified in paragraphs (g)(1) through (g)(7) of this section.

- (1) Research and development facilities, regardless of whether the facilities are located at the same plant site as a petroleum refining process unit that is subject to the provisions of this subpart;
  - (2) Equipment that does not contain any of the hazardous air pollutants listed in table 1 of this subpart that is located within a petroleum refining process unit that is subject to this subpart;
  - (3) Units processing natural gas liquids;
  - (4) Units that are used specifically for recycling discarded oil;
  - (5) Shale oil extraction units;
  - (6) Ethylene processes; and
  - (7) Process units and emission points subject to subparts F, G, H, and I of this part.
- (h) Except as provided in paragraphs (k), (l), or (m) of this section, sources subject to this subpart are required to achieve compliance on or before the dates specified in paragraphs (h)(1) through (h)(6) of this section.
- (1) Except as provided in paragraphs (h)(1)(i) and (iv) of this section, new sources that commence construction or reconstruction after July 14, 1994, shall be in compliance with this subpart upon initial startup or August 18, 1995, whichever is later.
  - (i) [Reserved]
  - (ii) Heat exchange systems at new sources that commence construction or reconstruction after August 18, 1995, but before September 4, 2007, shall comply with the existing source requirements for heat exchange systems specified in §63.654 no later than October 29, 2012.
  - (iii) [Reserved]
  - (iv) Heat exchange systems at new sources that commence construction or reconstruction after September 4, 2007, shall be in compliance with the new source requirements in §63.654 upon initial startup or October 28, 2009, whichever is later.
- (2) Except as provided in paragraphs (h)(3) through (h)(6) of this section, existing sources shall be in compliance with this subpart no later than August 18, 1998, except as provided in §63.6(c)(5) of subpart A of this part, or unless an extension has been granted by the Administrator as provided in §63.6(i) of subpart A of this part.
  - (3) Marine tank vessels at existing sources shall be in compliance with this subpart no later than August 18, 1999 unless the vessels are included in an emissions average to generate emission credits. Marine tank vessels used to generate credits in an emissions average shall be in compliance with this subpart no later than August 18, 1998 unless an extension has been granted by the Administrator as provided in §63.6(i).
  - (4) Existing Group 1 floating roof storage vessels shall be in compliance with §63.646 of this subpart at the first degassing and cleaning activity after August 18, 1998, or August 18, 2005, whichever is first.
  - (5) An owner or operator may elect to comply with the provisions of §63.648 (c) through (i) as an alternative to the provisions of §63.648 (a) and (b). In such cases, the owner or operator shall comply no later than the dates specified in paragraphs (h)(5)(i) through (h)(5)(iii) of this section.
- (i) Phase I (see table 2 of this subpart), beginning on August 18, 1998;

(ii) Phase II (see table 2 of this subpart), beginning no later than August 18, 1999; and

(iii) Phase III (see table 2 of this subpart), beginning no later than February 18, 2001.

(6) Heat exchange systems at an existing source shall be in compliance with the existing source standards in §63.654 no later than October 29, 2012.

(i) If an additional petroleum refining process unit is added to a plant site that is a major source as defined in section 112(a) of the Clean Air Act, the addition shall be subject to the requirements for a new source if it meets the criteria specified in paragraphs (i)(1) through (i)(3) of this section:

(1) It is an addition that meets the definition of construction in §63.2 of subpart A of this part;

(2) Such construction commenced after July 14, 1994; and

(3) The addition has the potential to emit 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.

(j) If any change is made to a petroleum refining process unit subject to this subpart, the change shall be subject to the requirements for a new source if it meets the criteria specified in paragraphs (j)(1) and (j)(2) of this section:

(1) It is a change that meets the definition of reconstruction in §63.2 of subpart A of this part; and

(2) Such reconstruction commenced after July 14, 1994.

(k) If an additional petroleum refining process unit is added to a plant site or a change is made to a petroleum refining process unit and the addition or change is determined to be subject to the new source requirements according to paragraphs (i) or (j) of this section it must comply with the requirements specified in paragraphs (k)(1) and (k)(2) of this section:

(1) The reconstructed source, addition, or change shall be in compliance with the new source requirements upon initial startup of the reconstructed source or by August 18, 1995, whichever is later; and

(2) The owner or operator of the reconstructed source, addition, or change shall comply with the reporting and recordkeeping requirements that are applicable to new sources. The applicable reports include, but are not limited to:

(i) The application for approval of construction or reconstruction shall be submitted as soon as practical before the construction or reconstruction is planned to commence (but it need not be sooner than November 16, 1995);

(ii) The Notification of Compliance Status report as required by §63.655(f) for a new source, addition, or change;

(iii) Periodic Reports and other reports as required by §63.655(g) and (h);

(iv) Reports and notifications required by §60.487 of subpart VV of part 60 or §63.182 of subpart H of this part. The requirements for subpart H are summarized in table 3 of this subpart;

(v) Reports required by 40 CFR 61.357 of subpart FF;

(vi) Reports and notifications required by §63.428(b), (c), (g)(1), (h)(1) through (h)(3), and (k) of subpart R. These requirements are summarized in table 4 of this subpart; and

(vii) Reports and notifications required by §§63.565 and 63.567 of subpart Y of this part. These requirements are summarized in table 5 of this subpart.

(l) If an additional petroleum refining process unit is added to a plant site or if a miscellaneous process vent, storage vessel, gasoline loading rack, marine tank vessel loading operation, or heat exchange system that meets the criteria in paragraphs (c)(1) through (8) of this section is added to an existing petroleum refinery or if another deliberate operational process change creating an additional Group 1 emissions point(s) (as defined in §63.641) is made to an existing petroleum refining process unit, and if the addition or process change is not subject to the new source requirements as determined according to paragraphs (i) or (j) of this section, the requirements in paragraphs (l)(1) through (3) of this section shall apply. Examples of process changes include, but are not limited to, changes in production capacity, or feed or raw material where the change requires construction or physical alteration of the existing equipment or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. For purposes of this paragraph and paragraph (m) of this section, process changes do not include: Process upsets, unintentional temporary process changes, and changes that are within the equipment configuration and operating conditions documented in the Notification of Compliance Status report required by §63.655(f).

(1) The added emission point(s) and any emission point(s) within the added or changed petroleum refining process unit are subject to the requirements for an existing source.

(2) The added emission point(s) and any emission point(s) within the added or changed petroleum refining process unit shall be in compliance with this subpart by the dates specified in paragraphs (l)(2)(i) or (l)(2)(ii) of this section, as applicable.

(i) If a petroleum refining process unit is added to a plant site or an emission point(s) is added to any existing petroleum refining process unit, the added emission point(s) shall be in compliance upon initial startup of any added petroleum refining process unit or emission point(s) or by August 18, 1998, whichever is later.

(ii) If a deliberate operational process change to an existing petroleum refining process unit causes a Group 2 emission point to become a Group 1 emission point (as defined in §63.641), the owner or operator shall be in compliance upon initial startup or by August 18, 1998, whichever is later, unless the owner or operator demonstrates to the Administrator that achieving compliance will take longer than making the change. If this demonstration is made to the Administrator's satisfaction, the owner or operator shall follow the procedures in paragraphs (m)(1) through (m)(3) of this section to establish a compliance date.

(3) The owner or operator of a petroleum refining process unit or of a storage vessel, miscellaneous process vent, wastewater stream, gasoline loading rack, marine tank vessel loading operation, or heat exchange system meeting the criteria in paragraphs (c)(1) through (8) of this section that is added to a plant site and is subject to the requirements for existing sources shall comply with the reporting and recordkeeping requirements that are applicable to existing sources including, but not limited to, the reports listed in paragraphs (l)(3)(i) through (vii) of this section. A process change to an existing petroleum refining process unit shall be subject to the reporting requirements for existing sources including, but not limited to, the reports listed in paragraphs (l)(3)(i) through (l)(3)(vii) of this section. The applicable reports include, but are not limited to:

(i) The Notification of Compliance Status report as required by §63.655(f) for the emission points that were added or changed;

(ii) Periodic Reports and other reports as required by §63.655(g) and (h);

(iii) Reports and notifications required by sections of subpart A of this part that are applicable to this subpart, as identified in table 6 of this subpart.

(iv) Reports and notifications required by §63.182, or 40 CFR 60.487. The requirements of subpart H of this part are summarized in table 3 of this subpart;

(v) Reports required by §61.357 of subpart FF;

(vi) Reports and notifications required by §63.428(b), (c), (g)(1), (h)(1) through (h)(3), and (k) of subpart R. These requirements are summarized in table 4 of this subpart; and

(vii) Reports and notifications required by §§63.565 and 63.567 of subpart Y. These requirements are summarized in table 5 of this subpart.

(4) If pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, or instrumentation systems are added to an existing source, they are subject to the equipment leak standards for existing sources in §63.648. A notification of compliance status report shall not be required for such added equipment.

(m) If a change that does not meet the criteria in paragraph (l) of this section is made to a petroleum refining process unit subject to this subpart, and the change causes a Group 2 emission point to become a Group 1 emission point (as defined in §63.641), then the owner or operator shall comply with the requirements of this subpart for existing sources for the Group 1 emission point as expeditiously as practicable, but in no event later than 3 years after the emission point becomes Group 1.

(1) The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule.

(2) The compliance schedule shall be submitted within 180 days after the change is made, unless the compliance schedule has been previously submitted to the permitting authority. If it is not possible to determine until after the change is implemented whether the emission point has become Group 1, the compliance schedule shall be submitted within 180 days of the date when the affect of the change is known to the source. The compliance schedule may be submitted in the next Periodic Report if the change is made after the date the Notification of Compliance Status report is due.

(3) The Administrator shall approve or deny the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification. Approval is automatic if not received from the Administrator within 120 calendar days of receipt.

(n) Overlap of subpart CC with other regulations for storage vessels.

(1) After the compliance dates specified in paragraph (h) of this section, a Group 1 or Group 2 storage vessel that is part of an existing source and is also subject to the provisions of 40 CFR part 60, subpart Kb, is required to comply only with the requirements of 40 CFR part 60, subpart Kb, except as provided in paragraph (n)(8) of this section.

(2) After the compliance dates specified in paragraph (h) of this section a Group 1 storage vessel that is part of a new source and is subject to 40 CFR part 60, subpart Kb is required to comply only with this subpart.

(3) After the compliance dates specified in paragraph (h) of this section, a Group 2 storage vessel that is part of a new source and is subject to the control requirements in §60.112b of 40 CFR part 60, subpart Kb is required to comply only with 40 CFR part 60, subpart Kb except as provided in paragraph (n)(8) of this section.

(4) After the compliance dates specified in paragraph (h) of this section, a Group 2 storage vessel that is part of a new source and is subject to 40 CFR 60.110b, but is not required to apply controls by 40 CFR 60.110b or 60.112b is required to comply only with this subpart.

(5) After the compliance dates specified in paragraph (h) of this section a Group 1 storage vessel that is also subject to the provisions of 40 CFR part 60, subparts K or Ka is required to only comply with the provisions of this subpart.

(6) After compliance dates specified in paragraph (h) of this section, a Group 2 storage vessel that is subject to the control requirements of 40 CFR part 60, subparts K or Ka is required to comply only with the provisions of 40 CFR part 60, subparts K or Ka except as provided for in paragraph (n)(9) of this section.

(7) After the compliance dates specified in paragraph (h) of this section, a Group 2 storage vessel that is subject to 40 CFR part 60, subparts K or Ka, but not to the control requirements of 40 CFR part 60, subparts K or Ka, is required to comply only with this subpart.

(8) Storage vessels described by paragraphs (n)(1) and (n)(3) of this section are to comply with 40 CFR part 60, subpart Kb except as provided for in paragraphs (n)(8)(i) through (n)(8)(vi) of this section.

(i) Storage vessels that are to comply with §60.112b(a)(2) of subpart Kb are exempt from the secondary seal requirements of §60.112b(a)(2)(i)(B) during the gap measurements for the primary seal required by §60.113b(b) of subpart Kb.

(ii) If the owner or operator determines that it is unsafe to perform the seal gap measurements required in §60.113b(b) of subpart Kb or to inspect the vessel to determine compliance with §60.113b(a) of subpart Kb because the roof appears to be structurally unsound and poses an imminent danger to inspecting personnel, the owner or operator shall comply with the requirements in either §63.120(b)(7)(i) or §63.120(b)(7)(ii) of subpart G.

(iii) If a failure is detected during the inspections required by §60.113b(a)(2) or during the seal gap measurements required by §60.113b(b)(1), and the vessel cannot be repaired within 45 days and the vessel cannot be emptied within 45 days, the owner or operator may utilize up to two extensions of up to 30 additional calendar days each. The owner or operator is not required to provide a request for the extension to the Administrator.

(iv) If an extension is utilized in accordance with paragraph (n)(8)(iii) of this section, the owner or operator shall, in the next periodic report, identify the vessel, provide the information listed in §60.113b(a)(2) or §60.113b(b)(4)(iii), and describe the nature and date of the repair made or provide the date the storage vessel was emptied.

(v) Owners and operators of storage vessels complying with subpart Kb of part 60 may submit the inspection reports required by §§60.115b(a)(3), (a)(4), and (b)(4) of subpart Kb as part of the periodic reports required by this subpart, rather than within the 30-day period specified in §§60.115b(a)(3), (a)(4), and (b)(4) of subpart Kb.

(vi) The reports of rim seal inspections specified in §60.115b(b)(2) are not required if none of the measured gaps or calculated gap areas exceed the limitations specified in §60.113b(b)(4). Documentation of the inspections shall be recorded as specified in §60.115b(b)(3).

(9) Storage vessels described by paragraph (n)(6) of this section that are to comply with 40 CFR part 60, subpart Ka, are to comply with only subpart Ka except as provided for in paragraphs (n)(9)(i) through (n)(9)(iv) of this section.

(i) If the owner or operator determines that it is unsafe to perform the seal gap measurements required in §60.113a(a)(1) of subpart Ka because the floating roof appears to be structurally unsound and poses an imminent danger to inspecting personnel, the owner or operator shall comply with the requirements in either §63.120(b)(7)(i) or §63.120(b)(7)(ii) of subpart G.

(ii) If a failure is detected during the seal gap measurements required by §60.113a(a)(1) of subpart Ka, and the vessel cannot be repaired within 45 days and the vessel cannot be emptied within 45 days, the owner or operator may utilize up to 2 extensions of up to 30 additional calendar days each.

(iii) If an extension is utilized in accordance with paragraph (n)(9)(ii) of this section, the owner or operator shall, in the next periodic report, identify the vessel, describe the nature and date of the repair made or

provide the date the storage vessel was emptied. The owner or operator shall also provide documentation of the decision to utilize an extension including a description of the failure, documentation that alternate storage capacity is unavailable, and a schedule of actions that will ensure that the control equipment will be repaired or the vessel emptied as soon as possible.

(iv) Owners and operators of storage vessels complying with subpart Ka of part 60 may submit the inspection reports required by §60.113a(a)(1)(i)(E) of subpart Ka as part of the periodic reports required by this subpart, rather than within the 60-day period specified in §60.113a(a)(1)(i)(E) of subpart Ka.

(o) Overlap of this subpart CC with other regulations for wastewater.

(1) After the compliance dates specified in paragraph (h) of this section a Group 1 wastewater stream managed in a piece of equipment that is also subject to the provisions of 40 CFR part 60, subpart QQQ is required to comply only with this subpart.

(2) After the compliance dates specified in paragraph (h) of this section a Group 1 or Group 2 wastewater stream that is conveyed, stored, or treated in a wastewater stream management unit that also receives streams subject to the provisions of §§63.133 through 63.147 of subpart G wastewater provisions of this part shall comply as specified in paragraph (o)(2)(i) or (o)(2)(ii) of this section. Compliance with the provisions of paragraph (o)(2) of this section shall constitute compliance with the requirements of this subpart for that wastewater stream.

(i) Comply with paragraphs (o)(2)(i)(A) through (o)(2)(i)(C) of this section.

(A) The provisions in §§63.133 through 63.140 of subpart G for all equipment used in the storage and conveyance of the Group 1 or Group 2 wastewater stream.

(B) The provisions in both 40 CFR part 61, subpart FF and in §§63.138 and 63.139 of subpart G for the treatment and control of the Group 1 or Group 2 wastewater stream.

(C) The provisions in §§63.143 through 63.148 of subpart G for monitoring and inspections of equipment and for recordkeeping and reporting requirements. The owner or operator is not required to comply with the monitoring, recordkeeping, and reporting requirements associated with the treatment and control requirements in 40 CFR part 61, subpart FF, §§61.355 through 61.357.

(ii) Comply with paragraphs (o)(2)(ii)(A) and (o)(2)(ii)(B) of this section.

(A) Comply with the provisions of §§63.133 through 63.148 and §§63.151 and 63.152 of subpart G.

(B) For any Group 2 wastewater stream or organic stream whose benzene emissions are subject to control through the use of one or more treatment processes or waste management units under the provisions of 40 CFR part 61, subpart FF on or after December 31, 1992, comply with the requirements of §63.133 through §63.147 of subpart G for Group 1 wastewater streams.

(p) Overlap of subpart CC with other regulations for equipment leaks.

(1) After the compliance dates specified in paragraph (h) of this section, equipment leaks that are also subject to the provisions of 40 CFR parts 60 and 61 standards promulgated before September 4, 2007, are required to comply only with the provisions specified in this subpart.

(2) Equipment leaks that are also subject to the provisions of 40 CFR part 60, subpart GGGa, are required to comply only with the provisions specified in 40 CFR part 60, subpart GGGa.

(q) For overlap of subpart CC with local or State regulations, the permitting authority for the affected source may allow consolidation of the monitoring, recordkeeping, and reporting requirements under this subpart

with the monitoring, recordkeeping, and reporting requirements under other applicable requirements in 40 CFR parts 60, 61, or 63, and in any 40 CFR part 52 approved State implementation plan provided the implementation plan allows for approval of alternative monitoring, reporting, or recordkeeping requirements and provided that the permit contains an equivalent degree of compliance and control.

(r) Overlap of subpart CC with other regulations for gasoline loading racks. After the compliance dates specified in paragraph (h) of this section, a Group 1 gasoline loading rack that is part of a source subject to subpart CC and also is subject to the provisions of 40 CFR part 60, subpart XX is required to comply only with this subpart.

[60 FR 43260, Aug. 18, 1995; 61 FR 7051, Feb. 23, 1996, as amended at 61 FR 29878, June 12, 1996; 63 FR 44140, Aug. 18, 1998; 66 FR 28841, May 25, 2001; 74 FR 55683, Oct. 28, 2009]

### **§ 63.641 Definitions.**

All terms used in this subpart shall have the meaning given them in the Clean Air Act, subpart A of this part, and in this section. If the same term is defined in subpart A and in this section, it shall have the meaning given in this section for purposes of this subpart.

*Affected source* means the collection of emission points to which this subpart applies as determined by the criteria in §63.640.

*Aliphatic* means open-chained structure consisting of paraffin, olefin and acetylene hydrocarbons and derivatives.

*Annual average true vapor pressure* means the equilibrium partial pressure exerted by the stored liquid at the temperature equal to the annual average of the liquid storage temperature for liquids stored above or below the ambient temperature or at the local annual average temperature reported by the National Weather Service for liquids stored at the ambient temperature, as determined:

- (1) In accordance with methods specified in §63.111 of subpart G of this part;
- (2) From standard reference texts; or
- (3) By any other method approved by the Administrator.

*Boiler* means any enclosed combustion device that extracts useful energy in the form of steam and is not an incinerator.

*By compound* means by individual stream components, not by carbon equivalents.

*Car-seal* means a seal that is placed on a device that is used to change the position of a valve (e.g., from opened to closed) in such a way that the position of the valve cannot be changed without breaking the seal.

*Closed vent system* means a system that is not open to the atmosphere and is configured of piping, ductwork, connections, and, if necessary, flow inducing devices that transport gas or vapor from an emission point to a control device or back into the process. If gas or vapor from regulated equipment is routed to a process (e.g., to a petroleum refinery fuel gas system), the process shall not be considered a closed vent system and is not subject to closed vent system standards.

*Combustion device* means an individual unit of equipment such as a flare, incinerator, process heater, or boiler used for the combustion of organic hazardous air pollutant vapors.

*Connector* means flanged, screwed, or other joined fittings used to connect two pipe lines or a pipe line and a piece of equipment. A common connector is a flange. Joined fittings welded completely around the

circumference of the interface are not considered connectors for the purpose of this regulation. For the purpose of reporting and recordkeeping, connector means joined fittings that are accessible.

*Continuous record* means documentation, either in hard copy or computer readable form, of data values measured at least once every hour and recorded at the frequency specified in §63.655(i).

*Continuous recorder* means a data recording device recording an instantaneous data value or an average data value at least once every hour.

*Control device* means any equipment used for recovering, removing, or oxidizing organic hazardous air pollutants. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. For miscellaneous process vents (as defined in this section), recovery devices (as defined in this section) are not considered control devices.

*Cooling tower* means a heat removal device used to remove the heat absorbed in circulating cooling water systems by transferring the heat to the atmosphere using natural or mechanical draft.

*Cooling tower return line* means the main water trunk lines at the inlet to the cooling tower before exposure to the atmosphere.

*Delayed coker vent* means a vent that is typically intermittent in nature, and usually occurs only during the initiation of the depressuring cycle of the decoking operation when vapor from the coke drums cannot be sent to the fractionator column for product recovery, but instead is routed to the atmosphere through a closed blowdown system or directly to the atmosphere in an open blowdown system. The emissions from the decoking phases of delayed coker operations, which include coke drum deheading, draining, or decoking (coke cutting), are not considered to be delayed coker vents.

*Distillate receiver* means overhead receivers, overhead accumulators, reflux drums, and condenser(s) including ejector-condenser(s) associated with a distillation unit.

*Distillation unit* means a device or vessel in which one or more feed streams are separated into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and the vapor phases by vaporization and condensation as they approach equilibrium within the distillation unit. Distillation unit includes the distillate receiver, reboiler, and any associated vacuum pump or steam jet.

*Emission point* means an individual miscellaneous process vent, storage vessel, wastewater stream, or equipment leak associated with a petroleum refining process unit; an individual storage vessel or equipment leak associated with a bulk gasoline terminal or pipeline breakout station classified under Standard Industrial Classification code 2911; a gasoline loading rack classified under Standard Industrial Classification code 2911; or a marine tank vessel loading operation located at a petroleum refinery.

*Equipment leak* means emissions of organic hazardous air pollutants from a pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, valve, or instrumentation system "in organic hazardous air pollutant service" as defined in this section. Vents from wastewater collection and conveyance systems (including, but not limited to wastewater drains, sewer vents, and sump drains), tank mixers, and sample valves on storage tanks are not equipment leaks.

*Flame zone* means the portion of a combustion chamber of a boiler or process heater occupied by the flame envelope created by the primary fuel.

*Flexible operation unit* means a process unit that manufactures different products periodically by alternating raw materials or operating conditions. These units are also referred to as campaign plants or blocked operations.

*Flow indicator* means a device that indicates whether gas is flowing, or whether the valve position would allow gas to flow, in a line.

*Fuel gas system* means the offsite and onsite piping and control system that gathers gaseous streams generated by refinery operations, may blend them with sources of gas, if available, and transports the blended gaseous fuel at suitable pressures for use as fuel in heaters, furnaces, boilers, incinerators, gas turbines, and other combustion devices located within or outside of the refinery. The fuel is piped directly to each individual combustion device, and the system typically operates at pressures over atmospheric. The gaseous streams can contain a mixture of methane, light hydrocarbons, hydrogen and other miscellaneous species.

*Gasoline* means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater that is used as a fuel for internal combustion engines.

*Gasoline loading rack* means the loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves necessary to fill gasoline cargo tanks.

*Group 1 gasoline loading rack* means any gasoline loading rack classified under Standard Industrial Classification code 2911 that is located within a bulk gasoline terminal that has a gasoline throughput greater than 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput for the terminal as may be limited by compliance with enforceable conditions under Federal, State, or local law and discovered by the Administrator and any other person.

*Group 1 marine tank vessel* means a vessel at an existing source loaded at any land- or sea-based terminal or structure that loads liquid commodities with vapor pressures greater than or equal to 10.3 kilopascals in bulk onto marine tank vessels, that emits greater than 9.1 megagrams of any individual HAP or 22.7 megagrams of any combination of HAP annually after August 18, 1999, or a vessel at a new source loaded at any land- or sea-based terminal or structure that loads liquid commodities with vapor pressures greater than or equal to 10.3 kilopascals onto marine tank vessels.

*Group 1 miscellaneous process vent* means a miscellaneous process vent for which the total organic HAP concentration is greater than or equal to 20 parts per million by volume, and the total volatile organic compound emissions are greater than or equal to 33 kilograms per day for existing sources and 6.8 kilograms per day for new sources at the outlet of the final recovery device (if any) and prior to any control device and prior to discharge to the atmosphere.

*Group 1 storage vessel* means a storage vessel at an existing source that has a design capacity greater than or equal to 177 cubic meters and stored-liquid maximum true vapor pressure greater than or equal to 10.4 kilopascals and stored-liquid annual average true vapor pressure greater than or equal to 8.3 kilopascals and annual average HAP liquid concentration greater than 4 percent by weight total organic HAP; a storage vessel at a new source that has a design storage capacity greater than or equal to 151 cubic meters and stored-liquid maximum true vapor pressure greater than or equal to 3.4 kilopascals and annual average HAP liquid concentration greater than 2 percent by weight total organic HAP; or a storage vessel at a new source that has a design storage capacity greater than or equal to 76 cubic meters and less than 151 cubic meters and stored-liquid maximum true vapor pressure greater than or equal to 77 kilopascals and annual average HAP liquid concentration greater than 2 percent by weight total organic HAP.

*Group 1 wastewater stream* means a wastewater stream at a petroleum refinery with a total annual benzene loading of 10 megagrams per year or greater as calculated according to the procedures in 40 CFR 61.342 of subpart FF of part 61 that has a flow rate of 0.02 liters per minute or greater, a benzene concentration of 10 parts per million by weight or greater, and is not exempt from control requirements under the provisions of 40 CFR part 61, subpart FF.

*Group 2 gasoline loading rack* means a gasoline loading rack classified under Standard Industrial Classification code 2911 that does not meet the definition of a Group 1 gasoline loading rack.

*Group 2 marine tank vessel* means a marine tank vessel that does not meet the definition of a Group 1 marine tank vessel.

*Group 2 miscellaneous process vent* means a miscellaneous process vent that does not meet the definition of a Group 1 miscellaneous process vent.

*Group 2 storage vessel* means a storage vessel that does not meet the definition of a Group 1 storage vessel.

*Group 2 wastewater stream* means a wastewater stream that does not meet the definition of Group 1 wastewater stream.

*Hazardous air pollutant* or *HAP* means one of the chemicals listed in section 112(b) of the Clean Air Act.

*Heat exchange system* means a device or series of devices used to transfer heat from process fluids to water without intentional direct contact of the process fluid with the water ( *i.e.*, non-contact heat exchanger) and to transport and/or cool the water in a closed-loop recirculation system (cooling tower system) or a once-through system ( *e.g.*, river or pond water). For closed-loop recirculation systems, the *heat exchange system* consists of a cooling tower, all heat exchangers that are serviced by that cooling tower, and all water lines to and from the heat exchanger(s). For once-through systems, the *heat exchange system* consists of one or more heat exchangers servicing an individual process unit and all water lines to and from the heat exchanger(s). Intentional direct contact with process fluids results in the formation of a wastewater.

*Heat exchanger exit line* means the cooling water line from the exit of one or more heat exchangers (where cooling water leaves the heat exchangers) to either the entrance of the cooling tower return line or prior to exposure to the atmosphere, in, as an example, a once-through cooling system, whichever occurs first.

*Incinerator* means an enclosed combustion device that is used for destroying organic compounds. Auxiliary fuel may be used to heat waste gas to combustion temperatures. Any energy recovery section present is not physically formed into one manufactured or assembled unit with the combustion section; rather, the energy recovery section is a separate section following the combustion section and the two are joined by ducts or connections carrying flue gas.

*In heavy liquid service* means that the piece of equipment is not in gas/vapor service or in light liquid service.

*In light liquid service* means that the piece of equipment contains a liquid that meets the conditions specified in §60.593(d) of part 60, subpart GGG.

*In organic hazardous air pollutant service* means that a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP's as determined according to the provisions of §63.180(d) of subpart H of this part and table 1 of this subpart. The provisions of §63.180(d) of subpart H also specify how to determine that a piece of equipment is not in organic HAP service.

*Leakless valve* means a valve that has no external actuating mechanism.

*Maximum true vapor pressure* means the equilibrium partial pressure exerted by the stored liquid at the temperature equal to the highest calendar-month average of the liquid storage temperature for liquids stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for liquids stored at the ambient temperature, as determined:

- (1) In accordance with methods specified in §63.111 of subpart G of this part;
- (2) From standard reference texts; or
- (3) By any other method approved by the Administrator.

*Miscellaneous process vent* means a gas stream containing greater than 20 parts per million by volume organic HAP that is continuously or periodically discharged during normal operation of a petroleum refining process unit meeting the criteria specified in §63.640(a). Miscellaneous process vents include gas streams that are discharged directly to the atmosphere, gas streams that are routed to a control device prior to discharge to the atmosphere, or gas streams that are diverted through a product recovery device prior to control or discharge to the atmosphere. Miscellaneous process vents include vent streams from: caustic wash accumulators, distillation tower condensers/accumulators, flash/knockout drums, reactor vessels, scrubber overheads, stripper overheads, vacuum (steam) ejectors, wash tower overheads, water wash accumulators, blowdown condensers/accumulators, and delayed coker vents. Miscellaneous process vents do not include:

- (1) Gaseous streams routed to a fuel gas system;
- (2) Relief valve discharges;
- (3) Leaks from equipment regulated under §63.648;
- (4) Episodic or nonroutine releases such as those associated with startup, shutdown, malfunction, maintenance, depressuring, and catalyst transfer operations;
- (5) In situ sampling systems (onstream analyzers);
- (6) Catalytic cracking unit catalyst regeneration vents;
- (7) Catalytic reformer regeneration vents;
- (8) Sulfur plant vents;
- (9) Vents from control devices such as scrubbers, boilers, incinerators, and electrostatic precipitators applied to catalytic cracking unit catalyst regeneration vents, catalytic reformer regeneration vents, and sulfur plant vents;
- (10) Vents from any stripping operations applied to comply with the wastewater provisions of this subpart, subpart G of this part, or 40 CFR part 61, subpart FF;
- (11) Coking unit vents associated with coke drum depressuring at or below a coke drum outlet pressure of 15 pounds per square inch gauge, deheading, draining, or decoking (coke cutting) or pressure testing after decoking;
- (12) Vents from storage vessels;
- (13) Emissions from wastewater collection and conveyance systems including, but not limited to, wastewater drains, sewer vents, and sump drains; and
- (14) Hydrogen production plant vents through which carbon dioxide is removed from process streams or through which steam condensate produced or treated within the hydrogen plant is degassed or deaerated.

*Operating permit* means a permit required by 40 CFR parts 70 or 71.

*Organic hazardous air pollutant* or *organic HAP* in this subpart, means any of the organic chemicals listed in table 1 of this subpart.

*Petroleum-based solvents* means mixtures of aliphatic hydrocarbons or mixtures of one and two ring aromatic hydrocarbons.

*Periodically discharged* means discharges that are intermittent and associated with routine operations. Discharges associated with maintenance activities or process upsets are not considered periodically discharged miscellaneous process vents and are therefore not regulated by the petroleum refinery miscellaneous process vent provisions.

*Petroleum refining process unit* means a process unit used in an establishment primarily engaged in petroleum refining as defined in the Standard Industrial Classification code for petroleum refining (2911), and used primarily for the following:

(1) Producing transportation fuels (such as gasoline, diesel fuels, and jet fuels), heating fuels (such as kerosene, fuel gas distillate, and fuel oils), or lubricants;

(2) Separating petroleum; or

(3) Separating, cracking, reacting, or reforming intermediate petroleum streams.

(4) Examples of such units include, but are not limited to, petroleum-based solvent units, alkylation units, catalytic hydrotreating, catalytic hydrorefining, catalytic hydrocracking, catalytic reforming, catalytic cracking, crude distillation, lube oil processing, hydrogen production, isomerization, polymerization, thermal processes, and blending, sweetening, and treating processes. Petroleum refining process units also include sulfur plants.

*Plant site* means all contiguous or adjoining property that is under common control including properties that are separated only by a road or other public right-of-way. Common control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, or any combination thereof.

*Primary fuel* means the fuel that provides the principal heat input (i.e., more than 50 percent) to the device. To be considered primary, the fuel must be able to sustain operation without the addition of other fuels.

*Process heater* means an enclosed combustion device that primarily transfers heat liberated by burning fuel directly to process streams or to heat transfer liquids other than water.

*Process unit* means the equipment assembled and connected by pipes or ducts to process raw and/or intermediate materials and to manufacture an intended product. A process unit includes any associated storage vessels. For the purpose of this subpart, process unit includes, but is not limited to, chemical manufacturing process units and petroleum refining process units.

*Process unit shutdown* means a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be accomplished. An unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours is not considered a process unit shutdown. An unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start up the unit, or would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown is not considered a process unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping production are not considered process unit shutdowns.

*Recovery device* means an individual unit of equipment capable of and used for the purpose of recovering chemicals for use, reuse, or sale. Recovery devices include, but are not limited to, absorbers, carbon adsorbers, and condensers.

*Reference control technology for gasoline loading racks* means a vapor collection and processing system used to reduce emissions due to the loading of gasoline cargo tanks to 10 milligrams of total organic compounds per liter of gasoline loaded or less.

*Reference control technology for marine vessels* means a vapor collection system and a control device that reduces captured HAP emissions by 97 percent.

*Reference control technology for miscellaneous process vents* means a combustion device used to reduce organic HAP emissions by 98 percent, or to an outlet concentration of 20 parts per million by volume.

*Reference control technology for storage vessels* means either:

- (1) An internal floating roof meeting the specifications of §63.119(b) of subpart G except for §63.119 (b)(5) and (b)(6);
- (2) An external floating roof meeting the specifications of §63.119(c) of subpart G except for §63.119(c)(2);
- (3) An external floating roof converted to an internal floating roof meeting the specifications of §63.119(d) of subpart G except for §63.119(d)(2); or
- (4) A closed-vent system to a control device that reduces organic HAP emissions by 95-percent, or to an outlet concentration of 20 parts per million by volume.
- (5) For purposes of emissions averaging, these four technologies are considered equivalent.

*Reference control technology for wastewater* means the use of:

- (1) Controls specified in §§61.343 through 61.347 of subpart FF of part 61;
- (2) A treatment process that achieves the emission reductions specified in table 7 of this subpart for each individual HAP present in the wastewater stream or is a steam stripper that meets the specifications in §63.138(g) of subpart G of this part; and
- (3) A control device to reduce by 95 percent (or to an outlet concentration of 20 parts per million by volume for combustion devices) the organic HAP emissions in the vapor streams vented from treatment processes (including the steam stripper described in paragraph (2) of this definition) managing wastewater.

*Refinery fuel gas* means a gaseous mixture of methane, light hydrocarbons, hydrogen, and other miscellaneous species (nitrogen, carbon dioxide, hydrogen sulfide, etc.) that is produced in the refining of crude oil and/or petrochemical processes and that is separated for use as a fuel in boilers and process heaters throughout the refinery.

*Relief valve* means a valve used only to release an unplanned, nonroutine discharge. A relief valve discharge can result from an operator error, a malfunction such as a power failure or equipment failure, or other unexpected cause that requires immediate venting of gas from process equipment in order to avoid safety hazards or equipment damage.

*Research and development facility* means laboratory and pilot plant operations whose primary purpose is to conduct research and development into new processes and products, where the operations are under the close supervision of technically trained personnel, and is not engaged in the manufacture of products for commercial sale, except in a de minimis manner.

*Shutdown* means the cessation of a petroleum refining process unit or a unit operation (including, but not limited to, a distillation unit or reactor) within a petroleum refining process unit for purposes including, but not limited to, periodic maintenance, replacement of equipment, or repair.

*Startup* means the setting into operation of a petroleum refining process unit for purposes of production. Startup does not include operation solely for purposes of testing equipment. Startup does not include changes in product for flexible operation units.

*Storage vessel* means a tank or other vessel that is used to store organic liquids. Storage vessel does not include:

- (1) Vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships;
- (2) Pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere;
- (3) Vessels with capacities smaller than 40 cubic meters;
- (4) Bottoms receiver tanks; or
- (5) Wastewater storage tanks. Wastewater storage tanks are covered under the wastewater provisions.

*Temperature monitoring device* means a unit of equipment used to monitor temperature and having an accuracy of  $\pm 1$  percent of the temperature being monitored expressed in degrees Celsius or  $\pm 0.5$  °C, whichever is greater.

*Total annual benzene* means the total amount of benzene in waste streams at a facility on an annual basis as determined in §61.342 of 40 CFR part 61, subpart FF.

*Total organic compounds* or *TOC*, as used in this subpart, means those compounds excluding methane and ethane measured according to the procedures of Method 18 of 40 CFR part 60, appendix A. Method 25A may be used alone or in combination with Method 18 to measure TOC as provided in §63.645 of this subpart.

*Wastewater* means water or wastewater that, during production or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product and is discharged into any individual drain system. Examples are feed tank drawdown; water formed during a chemical reaction or used as a reactant; water used to wash impurities from organic products or reactants; water used to cool or quench organic vapor streams through direct contact; and condensed steam from jet ejector systems pulling vacuum on vessels containing organics.

[60 FR 43260, Aug. 18, 1995, as amended at 61 FR 29879, June 12, 1996; 62 FR 7938, Feb. 21, 1997; 63 FR 31361, June 9, 1998; 63 FR 44141, Aug. 18, 1998; 74 FR 55685, Oct. 28, 2008]

#### **§ 63.642 General standards.**

(a) Each owner or operator of a source subject to this subpart is required to apply for a part 70 or part 71 operating permit from the appropriate permitting authority. If the EPA has approved a State operating permit program under part 70, the permit shall be obtained from the State authority. If the State operating permit program has not been approved, the source shall apply to the EPA Regional Office pursuant to part 71.

(b) [Reserved]

(c) Table 6 of this subpart specifies the provisions of subpart A of this part that apply and those that do not apply to owners and operators of sources subject to this subpart.

(d) Initial performance tests and initial compliance determinations shall be required only as specified in this subpart.

(1) Performance tests and compliance determinations shall be conducted according to the schedule and procedures specified in this subpart.

(2) The owner or operator shall notify the Administrator of the intention to conduct a performance test at least 30 days before the performance test is scheduled.

(3) Performance tests shall be conducted according to the provisions of §63.7(e) except that performance tests shall be conducted at maximum representative operating capacity for the process. During the performance test, an owner or operator shall operate the control device at either maximum or minimum representative operating conditions for monitored control device parameters, whichever results in lower emission reduction.

(4) Data shall be reduced in accordance with the EPA-approved methods specified in the applicable section or, if other test methods are used, the data and methods shall be validated according to the protocol in Method 301 of appendix A of this part.

(e) Each owner or operator of a source subject to this subpart shall keep copies of all applicable reports and records required by this subpart for at least 5 years except as otherwise specified in this subpart. All applicable records shall be maintained in such a manner that they can be readily accessed within 24 hours. Records may be maintained in hard copy or computer-readable form including, but not limited to, on paper, microfilm, computer, floppy disk, magnetic tape, or microfiche.

(f) All reports required under this subpart shall be sent to the Administrator at the addresses listed in §63.13 of subpart A of this part. If acceptable to both the Administrator and the owner or operator of a source, reports may be submitted on electronic media.

(g) The owner or operator of an existing source subject to the requirements of this subpart shall control emissions of organic HAP's to the level represented by the following equation:

$$E_A = 0.02\sum EPV_1 + \sum EPV_2 + 0.05\sum ES_1 + \sum ES_2 + \sum EGLR_{1C} + \sum EGLR_2 + (R)\sum EMV_1 + \sum EMV_2 + \sum EWW_{1C} + \sum EWW_2$$

where:

$E_A$  = Emission rate, megagrams per year, allowed for the source.

$0.02\sum EPV_1$  = Sum of the residual emissions, megagrams per year, from all Group 1 miscellaneous process vents, as defined in §63.641.

$\sum EPV_2$  = Sum of the emissions, megagrams per year, from all Group 2 process vents, as defined in §63.641.

$0.05\sum ES_1$  = Sum of the residual emissions, megagrams per year, from all Group 1 storage vessels, as defined in §63.641.

$\sum ES_2$  = Sum of the emissions, megagrams per year, from all Group 2 storage vessels, as defined in §63.641.

$\sum EGLR_{1C}$  = Sum of the residual emissions, megagrams per year, from all Group 1 gasoline loading racks, as defined in §63.641.

$\sum EGLR_2$  = Sum of the emissions, megagrams per year, from all Group 2 gasoline loading racks, as defined in §63.641.

$(R)\sum EMV_1$  = Sum of the residual emissions megagrams per year, from all Group 1 marine tank vessels, as defined in §63.641.

$R = 0.03$  for existing sources,  $0.02$  for new sources.

$\Sigma EMV_2$  = Sum of the emissions, megagrams per year from all Group 2 marine tank vessels, as defined in §63.641.

$\Sigma EWW_{1C}$  = Sum of the residual emissions from all Group 1 wastewater streams, as defined in §63.641. This term is calculated for each Group 1 stream according to the equation for  $EWW_{ic}$  in §63.652(h)(6).

$\Sigma EWW_2$  = Sum of emissions from all Group 2 wastewater streams, as defined in §63.641.

The emissions level represented by this equation is dependent on the collection of emission points in the source. The level is not fixed and can change as the emissions from each emission point change or as the number of emission points in the source changes.

(h) The owner or operator of a new source subject to the requirements of this subpart shall control emissions of organic HAP's to the level represented by the equation in paragraph (g) of this section.

(i) The owner or operator of an existing source shall demonstrate compliance with the emission standard in paragraph (g) of this section by following the procedures specified in paragraph (k) of this section for all emission points, or by following the emissions averaging compliance approach specified in paragraph (l) of this section for specified emission points and the procedures specified in paragraph (k) of this section for all other emission points within the source.

(j) The owner or operator of a new source shall demonstrate compliance with the emission standard in paragraph (h) of this section only by following the procedures in paragraph (k) of this section. The owner or operator of a new source may not use the emissions averaging compliance approach.

(k) The owner or operator of an existing source may comply, and the owner or operator of a new source shall comply, with the miscellaneous process vent provisions in §§63.643 through 63.645, the storage vessel provisions in §63.646, the wastewater provisions in §63.647, the gasoline loading rack provisions in §63.650, and the marine tank vessel loading operation provisions in §63.651 of this subpart.

(1) The owner or operator using this compliance approach shall also comply with the requirements of §63.655 as applicable.

(2) The owner or operator using this compliance approach is not required to calculate the annual emission rate specified in paragraph (g) of this section.

(l) The owner or operator of an existing source may elect to control some of the emission points within the source to different levels than specified under §§63.643 through 63.647, §§63.650 and 63.651 by using an emissions averaging compliance approach as long as the overall emissions for the source do not exceed the emission level specified in paragraph (g) of this section. The owner or operator using emissions averaging shall meet the requirements in paragraphs (l)(1) and (l)(2) of this section.

(1) Calculate emission debits and credits for those emission points involved in the emissions average according to the procedures specified in §63.652; and

(2) Comply with the requirements of §§63.652, 63.653, and 63.655, as applicable.

(m) A State may restrict the owner or operator of an existing source to using only the procedures in paragraph (k) of this section to comply with the emission standard in paragraph (g) of this section. Such a restriction would preclude the source from using an emissions averaging compliance approach.

[60 FR 43260, Aug. 18, 1995; 61 FR 7051, Feb. 23, 1996, as amended at 61 FR 29879, June 12, 1996; 74 FR 55685, Oct. 28, 2009]

**§ 63.643 Miscellaneous process vent provisions.**

(a) The owner or operator of a Group 1 miscellaneous process vent as defined in §63.641 shall comply with the requirements of either paragraphs (a)(1) or (a)(2) of this section.

(1) Reduce emissions of organic HAP's using a flare that meets the requirements of §63.11(b) of subpart A of this part.

(2) Reduce emissions of organic HAP's, using a control device, by 98 weight-percent or to a concentration of 20 parts per million by volume, on a dry basis, corrected to 3 percent oxygen, whichever is less stringent. Compliance can be determined by measuring either organic HAP's or TOC's using the procedures in §63.645.

(b) If a boiler or process heater is used to comply with the percentage of reduction requirement or concentration limit specified in paragraph (a)(2) of this section, then the vent stream shall be introduced into the flame zone of such a device, or in a location such that the required percent reduction or concentration is achieved. Testing and monitoring is required only as specified in §63.644(a) and §63.645 of this subpart.

**§ 63.644 Monitoring provisions for miscellaneous process vents.**

(a) Except as provided in paragraph (b) of this section, each owner or operator of a Group 1 miscellaneous process vent that uses a combustion device to comply with the requirements in §63.643(a) shall install the monitoring equipment specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this section, depending on the type of combustion device used. All monitoring equipment shall be installed, calibrated, maintained, and operated according to manufacturer's specifications or other written procedures that provide adequate assurance that the equipment will monitor accurately.

(1) Where an incinerator is used, a temperature monitoring device equipped with a continuous recorder is required.

(i) Where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox or in the ductwork immediately downstream of the firebox in a position before any substantial heat exchange occurs.

(ii) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

(2) Where a flare is used, a device (including but not limited to a thermocouple, an ultraviolet beam sensor, or an infrared sensor) capable of continuously detecting the presence of a pilot flame is required.

(3) Any boiler or process heater with a design heat input capacity greater than or equal to 44 megawatt or any boiler or process heater in which all vent streams are introduced into the flame zone is exempt from monitoring.

(4) Any boiler or process heater less than 44 megawatts design heat capacity where the vent stream is not introduced into the flame zone is required to use a temperature monitoring device in the firebox equipped with a continuous recorder.

(b) An owner or operator of a Group 1 miscellaneous process vent may request approval to monitor parameters other than those listed in paragraph (a) of this section. The request shall be submitted according to the procedures specified in §63.655(h). Approval shall be requested if the owner or operator:

- (1) Uses a control device other than an incinerator, boiler, process heater, or flare; or
- (2) Uses one of the control devices listed in paragraph (a) of this section, but seeks to monitor a parameter other than those specified in paragraph (a) of this section.
- (c) The owner or operator of a Group 1 miscellaneous process vent using a vent system that contains bypass lines that could divert a vent stream away from the control device used to comply with paragraph (a) of this section shall comply with either paragraph (c)(1) or (c)(2) of this section. Equipment such as low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, pressure relief valves needed for safety reasons, and equipment subject to §63.648 are not subject to this paragraph.
- (1) Install, calibrate, maintain, and operate a flow indicator that determines whether a vent stream flow is present at least once every hour. Records shall be generated as specified in §63.655(h) and (i). The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere; or
- (2) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.
- (d) The owner or operator shall establish a range that ensures compliance with the emissions standard for each parameter monitored under paragraphs (a) and (b) of this section. In order to establish the range, the information required in §63.655(f)(3) shall be submitted in the Notification of Compliance Status report.
- (e) Each owner or operator of a control device subject to the monitoring provisions of this section shall operate the control device in a manner consistent with the minimum and/or maximum operating parameter value or procedure required to be monitored under paragraphs (a) and (b) of this section. Operation of the control device in a manner that constitutes a period of excess emissions, as defined in §63.655(g)(6), or failure to perform procedures required by this section shall constitute a violation of the applicable emission standard of this subpart.

[60 FR 43260, Aug. 18, 1995, as amended at 61 FR 29880, June 12, 1996; 63 FR 44141, Aug. 18, 1998; 74 FR 55685, Oct. 28, 2009]

#### **§ 63.645 Test methods and procedures for miscellaneous process vents.**

- (a) To demonstrate compliance with §63.643, an owner or operator shall follow §63.116 except for §63.116 (a)(1), (d) and (e) of subpart G of this part except as provided in paragraphs (b) through (d) and paragraph (i) of this section.
- (b) All references to §63.113(a)(1) or (a)(2) in §63.116 of subpart G of this part shall be replaced with §63.643(a)(1) or (a)(2), respectively.
- (c) In §63.116(c)(4)(ii)(C) of subpart G of this part, organic HAP's in the list of HAP's in table 1 of this subpart shall be considered instead of the organic HAP's in table 2 of subpart F of this part.
- (d) All references to §63.116(b)(1) or (b)(2) shall be replaced with paragraphs (d)(1) and (d)(2) of this section, respectively.
- (1) Any boiler or process heater with a design heat input capacity of 44 megawatts or greater.
- (2) Any boiler or process heater in which all vent streams are introduced into the flame zone.

(e) For purposes of determining the TOC emission rate, as specified under paragraph (f) of this section, the sampling site shall be after the last product recovery device (as defined in §63.641 of this subpart) (if any recovery devices are present) but prior to the inlet of any control device (as defined in §63.641 of this subpart) that is present, prior to any dilution of the process vent stream, and prior to release to the atmosphere.

(1) Methods 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling site.

(2) No traverse site selection method is needed for vents smaller than 0.10 meter in diameter.

(f) Except as provided in paragraph (g) of this section, an owner or operator seeking to demonstrate that a process vent TOC mass flow rate is less than 33 kilograms per day for an existing source or less than 6.8 kilograms per day for a new source in accordance with the Group 2 process vent definition of this subpart shall determine the TOC mass flow rate by the following procedures:

(1) The sampling site shall be selected as specified in paragraph (e) of this section.

(2) The gas volumetric flow rate shall be determined using Methods 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A, as appropriate.

(3) Method 18 or Method 25A of 40 CFR part 60, appendix A shall be used to measure concentration; alternatively, any other method or data that has been validated according to the protocol in Method 301 of appendix A of this part may be used. If Method 25A is used, and the TOC mass flow rate calculated from the Method 25A measurement is greater than or equal to 33 kilograms per day for an existing source or 6.8 kilograms per day for a new source, Method 18 may be used to determine any non-VOC hydrocarbons that may be deducted to calculate the TOC (minus non-VOC hydrocarbons) concentration and mass flow rate. The following procedures shall be used to calculate parts per million by volume concentration:

(i) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15-minute intervals during the run.

(ii) The TOC concentration ( $C_{TOC}$ ) is the sum of the concentrations of the individual components and shall be computed for each run using the following equation if Method 18 is used:

$$C_{TOC} = \frac{\sum_{i=1}^x \left( \sum_{j=1}^n C_{ji} \right)}{X}$$

where:

$C_{TOC}$ =Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.

$C_{ji}$ =Concentration of sample component j of the sample i, dry basis, parts per million by volume.

n=Number of components in the sample.

x=Number of samples in the sample run.

(4) The emission rate of TOC (minus methane and ethane) ( $E_{TOC}$ ) shall be calculated using the following equation if Method 18 is used:

$$E = K_2 \left[ \sum_{j=1}^n C_j M_j \right] Q_s$$

where:

E=Emission rate of TOC (minus methane and ethane) in the sample, kilograms per day.

$K_2$ = Constant,  $5.986 \times 10^{-5}$ (parts per million)<sup>-1</sup>(gram-mole per standard cubic meter) (kilogram per gram) (minute per day), where the standard temperature (standard cubic meter) is at 20 °C.

$C_j$ =Concentration on a dry basis of organic compound j in parts per million as measured by Method 18 of 40 CFR part 60, appendix A, as indicated in paragraph (f)(3) of this section.  
 $C_j$ includes all organic compounds measured minus methane and ethane.

$M_j$ =Molecular weight of organic compound j, gram per gram-mole.

$Q_s$ =Vent stream flow rate, dry standard cubic meters per minute, at a temperature of 20 °C.

(5) If Method 25A is used, the emission rate of TOC ( $E_{TOC}$ ) shall be calculated using the following equation:  
—

$$E_{TOC} = K_2 C_{TOC} M Q_s$$

where:

$E_{TOC}$ =Emission rate of TOC (minus methane and ethane) in the sample, kilograms per day.

$K_2$ =Constant,  $5.986 \times 10^{-5}$ (parts per million)<sup>-1</sup>(gram-mole per standard cubic meter) (kilogram per gram)(minute per day), where the standard temperature (standard cubic meter) is at 20 °C.

$C_{TOC}$ =Concentration of TOC on a dry basis in parts per million volume as measured by Method 25A of 40 CFR part 60, appendix A, as indicated in paragraph (f)(3) of this section.

$M$ =Molecular weight of organic compound used to express units of  $C_{TOC}$ , gram per gram-mole.

$Q_s$ =Vent stream flow rate, dry standard cubic meters per minute, at a temperature of 20 °C.

(g) Engineering assessment may be used to determine the TOC emission rate for the representative operating condition expected to yield the highest daily emission rate.

(1) Engineering assessment includes, but is not limited to, the following:

(i) Previous test results provided the tests are representative of current operating practices at the process unit.

(ii) Bench-scale or pilot-scale test data representative of the process under representative operating conditions.

(iii) TOC emission rate specified or implied within a permit limit applicable to the process vent.

(iv) Design analysis based on accepted chemical engineering principles, measurable process parameters, or physical or chemical laws or properties. Examples of analytical methods include, but are not limited to:

(A) Use of material balances based on process stoichiometry to estimate maximum TOC concentrations;

(B) Estimation of maximum flow rate based on physical equipment design such as pump or blower capacities; and

(C) Estimation of TOC concentrations based on saturation conditions.

(v) All data, assumptions, and procedures used in the engineering assessment shall be documented.

(h) The owner or operator of a Group 2 process vent shall recalculate the TOC emission rate for each process vent, as necessary, whenever process changes are made to determine whether the vent is in Group 1 or Group 2. Examples of process changes include, but are not limited to, changes in production capacity, production rate, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. For purposes of this paragraph, process changes do not include: process upsets; unintentional, temporary process changes; and changes that are within the range on which the original calculation was based.

(1) The TOC emission rate shall be recalculated based on measurements of vent stream flow rate and TOC as specified in paragraphs (e) and (f) of this section, as applicable, or on best engineering assessment of the effects of the change. Engineering assessments shall meet the specifications in paragraph (g) of this section.

(2) Where the recalculated TOC emission rate is greater than 33 kilograms per day for an existing source or greater than 6.8 kilograms per day for a new source, the owner or operator shall submit a report as specified in §63.655(f), (g), or (h) and shall comply with the appropriate provisions in §63.643 by the dates specified in §63.640.

(i) A compliance determination for visible emissions shall be conducted within 150 days of the compliance date using Method 22 of 40 CFR part 60, appendix A, to determine visible emissions.

[60 FR 43260, Aug. 18, 1995, as amended at 61 FR 29880, June 12, 1996; 63 FR 44141, Aug. 18, 1998; 74 FR 55685, Oct. 28, 2009]

#### **§ 63.646 Storage vessel provisions.**

(a) Each owner or operator of a Group 1 storage vessel subject to this subpart shall comply with the requirements of §§63.119 through 63.121 except as provided in paragraphs (b) through (l) of this section.

(b) As used in this section, all terms not defined in §63.641 shall have the meaning given them in 40 CFR part 63, subparts A or G. The Group 1 storage vessel definition presented in §63.641 shall apply in lieu of the Group 1 storage vessel definitions presented in tables 5 and 6 of §63.119 of subpart G of this part.

(1) An owner or operator may use good engineering judgment or test results to determine the stored liquid weight percent total organic HAP for purposes of group determination. Data, assumptions, and procedures used in the determination shall be documented.

(2) When an owner or operator and the Administrator do not agree on whether the annual average weight percent organic HAP in the stored liquid is above or below 4 percent for a storage vessel at an existing source or above or below 2 percent for a storage vessel at a new source, Method 18 of 40 CFR part 60, appendix A shall be used.

(c) The following paragraphs do not apply to storage vessels at existing sources subject to this subpart: §63.119 (b)(5), (b)(6), (c)(2), and (d)(2).

(d) References shall apply as specified in paragraphs (d)(1) through (d)(10) of this section.

(1) All references to §63.100(k) of subpart F of this part (or the schedule provisions and the compliance date) shall be replaced with §63.640(h),

(2) All references to April 22, 1994 shall be replaced with August 18, 1995.

(3) All references to December 31, 1992 shall be replaced with July 15, 1994.

(4) All references to the compliance dates specified in §63.100 of subpart F shall be replaced with §63.640 (h) through (m).

(5) All references to §63.150 in §63.119 of subpart G of this part shall be replaced with §63.652.

(6) All references to §63.113(a)(2) of subpart G shall be replaced with §63.643(a)(2) of this subpart.

(7) All references to §63.126(b)(1) of subpart G shall be replaced with §63.422(b) of subpart R of this part.

(8) All references to §63.128(a) of subpart G shall be replaced with §63.425, paragraphs (a) through (c) and (e) through (h) of subpart R of this part.

(9) All references to §63.139(d)(1) in §63.120(d)(1)(ii) of subpart G are not applicable. For sources subject to this subpart, such references shall mean that 40 CFR 61.355 is applicable.

(10) All references to §63.139(c) in §63.120(d)(1)(ii) of subpart G are not applicable. For sources subject to this subpart, such references shall mean that §63.647 of this subpart is applicable.

(e) When complying with the inspection requirements of §63.120 of subpart G of this part, owners and operators of storage vessels at existing sources subject to this subpart are not required to comply with the provisions for gaskets, slotted membranes, and sleeve seals.

(f) The following paragraphs (f)(1), (f)(2), and (f)(3) of this section apply to Group 1 storage vessels at existing sources:

(1) If a cover or lid is installed on an opening on a floating roof, the cover or lid shall remain closed except when the cover or lid must be open for access.

(2) Rim space vents are to be set to open only when the floating roof is not floating or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

(3) 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.

(g) Failure to perform inspections and monitoring required by this section shall constitute a violation of the applicable standard of this subpart.

(h) References in §§63.119 through 63.121 to §63.122(g)(1), §63.151, and references to initial notification requirements do not apply.

(i) References to the Implementation Plan in §63.120, paragraphs (d)(2) and (d)(3)(i) shall be replaced with the Notification of Compliance Status report.

(j) References to the Notification of Compliance Status report in §63.152(b) shall be replaced with §63.654(f).

(k) References to the Periodic Reports in §63.152(c) shall be replaced with §63.654(g).

(l) The State or local permitting authority can waive the notification requirements of §§63.120(a)(5), 63.120(a)(6), 63.120(b)(10)(ii), and 63.120(b)(10)(iii) for all or some storage vessels at petroleum refineries subject to this subpart. The State or local permitting authority may also grant permission to refill storage vessels sooner than 30 days after submitting the notifications in §§63.120(a)(6) or 63.120(b)(10)(iii) for all storage vessels at a refinery or for individual storage vessels on a case-by-case basis.

[60 FR 43260, Aug. 18, 1995, as amended at 61 FR 29880, June 12, 1996; 62 FR 7939, Feb. 21, 1997; 74 FR 55685, Oct. 28, 2009]

### **§ 63.647 Wastewater provisions.**

(a) Except as provided in paragraph (b) of this section, each owner or operator of a Group 1 wastewater stream shall comply with the requirements of §§61.340 through 61.355 of 40 CFR part 61, subpart FF for each process wastewater stream that meets the definition in §63.641.

(b) As used in this section, all terms not defined in §63.641 shall have the meaning given them in the Clean Air Act or in 40 CFR part 61, subpart FF, §61.341.

(c) Each owner or operator required under subpart FF of 40 CFR part 61 to perform periodic measurement of benzene concentration in wastewater, or to monitor process or control device operating parameters shall operate in a manner consistent with the minimum or maximum (as appropriate) permitted concentration or operating parameter values. Operation of the process, treatment unit, or control device resulting in a measured concentration or operating parameter value outside the permitted limits shall constitute a violation of the emission standards. Failure to perform required leak monitoring for closed vent systems and control devices or failure to repair leaks within the time period specified in subpart FF of 40 CFR part 61 shall constitute a violation of the standard.

### **§ 63.648 Equipment leak standards.**

(a) Each owner or operator of an existing source subject to the provisions of this subpart shall comply with the provisions of 40 CFR part 60 subpart VV and paragraph (b) of this section except as provided in paragraphs (a)(1), (a)(2), and (c) through (i) of this section. Each owner or operator of a new source subject to the provisions of this subpart shall comply with subpart H of this part except as provided in paragraphs (c) through (i) of this section.

(1) For purposes of compliance with this section, the provisions of 40 CFR part 60, subpart VV apply only to equipment in organic HAP service, as defined in §63.641 of this subpart.

(2) Calculation of percentage leaking equipment components for subpart VV of 40 CFR part 60 may be done on a process unit basis or a sourcewide basis. Once the owner or operator has decided, all subsequent calculations shall be on the same basis unless a permit change is made.

(b) The use of monitoring data generated before August 18, 1995 to qualify for less frequent monitoring of valves and pumps as provided under 40 CFR part 60 subpart VV or subpart H of this part and paragraph (c) of this section (i.e., quarterly or semiannually) is governed by the requirements of paragraphs (b)(1) and (b)(2) of this section.

(1) Monitoring data must meet the test methods and procedures specified in §60.485(b) of 40 CFR part 60, subpart VV or §63.180(b)(1) through (b)(5) of subpart H of this part except for minor departures.

(2) Departures from the criteria specified in §60.485(b) of 40 CFR part 60 subpart VV or §63.180(b)(1) through (b)(5) of subpart H of this part or from the monitoring frequency specified in subpart VV or in paragraph (c) of this section (such as every 6 weeks instead of monthly or quarterly) are minor and do not significantly affect the quality of the data. An example of a minor departure is monitoring at a slightly different frequency (such as every 6 weeks instead of monthly or quarterly). Failure to use a calibrated instrument is not considered a minor departure.

(c) In lieu of complying with the existing source provisions of paragraph (a) in this section, an owner or operator may elect to comply with the requirements of §§63.161 through 63.169, 63.171, 63.172, 63.175, 63.176, 63.177, 63.179, and 63.180 of subpart H of this part except as provided in paragraphs (c)(1) through (c)(10) and (e) through (i) of this section.

(1) The instrument readings that define a leak for light liquid pumps subject to §63.163 of subpart H of this part and gas/vapor and light liquid valves subject to §63.168 of subpart H of this part are specified in table 2 of this subpart.

(2) In phase III of the valve standard, the owner or operator may monitor valves for leaks as specified in paragraphs (c)(2)(i) or (c)(2)(ii) of this section.

(i) If the owner or operator does not elect to monitor connectors, then the owner or operator shall monitor valves according to the frequency specified in table 8 of this subpart.

(ii) If an owner or operator elects to monitor connectors according to the provisions of §63.649, paragraphs (b), (c), or (d), then the owner or operator shall monitor valves at the frequencies specified in table 9 of this subpart.

(3) The owner or operator shall decide no later than the first required monitoring period after the phase I compliance date specified in §63.640(h) whether to calculate the percentage leaking valves on a process unit basis or on a sourcewide basis. Once the owner or operator has decided, all subsequent calculations shall be on the same basis unless a permit change is made.

(4) The owner or operator shall decide no later than the first monitoring period after the phase III compliance date specified in §63.640(h) whether to monitor connectors according to the provisions in §63.649, paragraphs (b), (c), or (d).

(5) Connectors in gas/vapor service or light liquid service are subject to the requirements for connectors in heavy liquid service in §63.169 of subpart H of this part (except for the agitator provisions). The leak definition for valves, connectors, and instrumentation systems subject to §63.169 is 1,000 parts per million.

(6) In phase III of the pump standard, except as provided in paragraph (c)(7) of this section, owners or operators that achieve less than 10 percent of light liquid pumps leaking or three light liquid pumps leaking, whichever is greater, shall monitor light liquid pumps monthly.

(7) Owners or operators that achieve less than 3 percent of light liquid pumps leaking or one light liquid pump leaking, whichever is greater, shall monitor light liquid pumps quarterly.

(8) An owner or operator may make the election described in paragraphs (c)(3) and (c)(4) of this section at any time except that any election to change after the initial election shall be treated as a permit modification according to the terms of part 70 of this chapter.

(9) When complying with the requirements of §63.168(e)(3)(i), non-repairable valves shall be included in the calculation of percent leaking valves the first time the valve is identified as leaking and non-repairable. Otherwise, a number of non-repairable valves up to a maximum of 1 percent per year of the total number of valves in organic HAP service up to a maximum of 3 percent may be excluded from calculation of percent leaking valves for subsequent monitoring periods. When the number of non-repairable valves exceeds 3

percent of the total number of valves in organic HAP service, the number of non-repairable valves exceeding 3 percent of the total number shall be included in the calculation of percent leaking valves.

(10) If in phase III of the valve standard any valve is designated as being leakless, the owner or operator has the option of following the provisions of 40 CFR 60.482–7(f). If an owner or operator chooses to comply with the provisions of 40 CFR 60.482–7(f), the valve is exempt from the valve monitoring provisions of §63.168 of subpart H of this part.

(d) Upon startup of new sources, the owner or operator shall comply with §63.163(a)(1)(ii) of subpart H of this part for light liquid pumps and §63.168(a)(1)(ii) of subpart H of this part for gas/vapor and light liquid valves.

(e) For reciprocating pumps in heavy liquid service and agitators in heavy liquid service, owners and operators are not required to comply with the requirements in §63.169 of subpart H of this part.

(f) Reciprocating pumps in light liquid service are exempt from §§63.163 and 60.482 if recasting the distance piece or reciprocating pump replacement is required.

(g) Compressors in hydrogen service are exempt from the requirements of paragraphs (a) and (c) of this section if an owner or operator demonstrates that a compressor is in hydrogen service.

(1) Each compressor is presumed not to be in hydrogen service unless an owner or operator demonstrates that the piece of equipment is in hydrogen service.

(2) For a piece of equipment to be considered in hydrogen service, it must be determined that the percentage hydrogen content can be reasonably expected always to exceed 50 percent by volume.

(i) For purposes of determining the percentage hydrogen content in the process fluid that is contained in or contacts a compressor, the owner or operator shall use either:

(A) Procedures that conform to those specified in §60.593(b)(2) of 40 part 60, subpart GGG.

(B) Engineering judgment to demonstrate that the percentage content exceeds 50 percent by volume, provided the engineering judgment demonstrates that the content clearly exceeds 50 percent by volume.

( 1 ) When an owner or operator and the Administrator do not agree on whether a piece of equipment is in hydrogen service, the procedures in paragraph (g)(2)(i)(A) of this section shall be used to resolve the disagreement.

( 2 ) If an owner or operator determines that a piece of equipment is in hydrogen service, the determination can be revised only by following the procedures in paragraph (g)(2)(i)(A) of this section.

(h) Each owner or operator of a source subject to the provisions of this subpart must maintain all records for a minimum of 5 years.

(i) Reciprocating compressors are exempt from seal requirements if recasting the distance piece or compressor replacement is required.

[60 FR 43260, Aug. 18, 1995, as amended at 61 FR 29880, June 12, 1996; 63 FR 44141, Aug. 18, 1998]

**§ 63.649 Alternative means of emission limitation: Connectors in gas/vapor service and light liquid service.**

(a) If an owner or operator elects to monitor valves according to the provisions of §63.648(c)(2)(ii), the owner or operator shall implement one of the connector monitoring programs specified in paragraphs (b), (c), or (d) of this section.

(b) *Random 200 connector alternative.* The owner or operator shall implement a random sampling program for accessible connectors of 2.0 inches nominal diameter or greater. The program does not apply to inaccessible or unsafe-to-monitor connectors, as defined in §63.174 of subpart H. The sampling program shall be implemented source-wide.

(1) Within the first 12 months after the phase III compliance date specified in §63.640(h), a sample of 200 connectors shall be randomly selected and monitored using Method 21 of 40 CFR part 60, appendix A.

(2) The instrument reading that defines a leak is 1,000 parts per million.

(3) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected except as provided in paragraph (e) of this section. A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(4) If a leak is detected, the connector shall be monitored for leaks within the first 3 months after its repair.

(5) After conducting the initial survey required in paragraph (b)(1) of this section, the owner or operator shall conduct subsequent monitoring of connectors at the frequencies specified in paragraphs (b)(5)(i) through (b)(5)(iv) of this section.

(i) If the percentage leaking connectors is 2.0 percent or greater, the owner or operator shall survey a random sample of 200 connectors once every 6 months.

(ii) If the percentage leaking connectors is 1.0 percent or greater but less than 2.0 percent, the owner or operator shall survey a random sample of 200 connectors once per year.

(iii) If the percentage leaking connectors is 0.5 percent or greater but less than 1.0 percent, the owner or operator shall survey a random sample of 200 connectors once every 2 years.

(iv) If the percentage leaking connectors is less than 0.5 percent, the owner or operator shall survey a random sample of 200 connectors once every 4 years.

(6) Physical tagging of the connectors to indicate that they are subject to the monitoring provisions is not required. Connectors may be identified by the area or length of pipe and need not be individually identified.

(c) *Connector inspection alternative.* The owner or operator shall implement a program to monitor all accessible connectors in gas/vapor service that are 2.0 inches (nominal diameter) or greater and inspect all accessible connectors in light liquid service that are 2 inches (nominal diameter) or greater as described in paragraphs (c)(1) through (c)(7) of this section. The program does not apply to inaccessible or unsafe-to-monitor connectors.

(1) Within 12 months after the phase III compliance date specified in §63.640(h), all connectors in gas/vapor service shall be monitored using Method 21 of 40 CFR part 60 appendix A. The instrument reading that defines a leak is 1,000 parts per million.

(2) All connectors in light liquid service shall be inspected for leaks. A leak is detected if liquids are observed to be dripping at a rate greater than three drops per minute.

(3) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected except as provided in paragraph (e) of this section. A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(4) If a leak is detected, connectors in gas/vapor service shall be monitored for leaks within the first 3 months after repair. Connectors in light liquid service shall be inspected for indications of leaks within the first 3 months after repair. A leak is detected if liquids are observed to be dripping at a rate greater than three drops per minute.

(5) After conducting the initial survey required in paragraphs (c)(1) and (c)(2) of this section, the owner or operator shall conduct subsequent monitoring at the frequencies specified in paragraphs (c)(5)(i) through (c)(5)(iii) of this section.

(i) If the percentage leaking connectors is 2.0 percent or greater, the owner or operator shall monitor or inspect, as applicable, the connectors once per year.

(ii) If the percentage leaking connectors is 1.0 percent or greater but less than 2.0 percent, the owner or operator shall monitor or inspect, as applicable, the connectors once every 2 years.

(iii) If the percentage leaking connectors is less than 1.0 percent, the owner or operator shall monitor or inspect, as applicable, the connectors once every 4 years.

(6) The percentage leaking connectors shall be calculated for connectors in gas/vapor service and for connectors in light liquid service. The data for the two groups of connectors shall not be pooled for the purpose of determining the percentage leaking connectors.

(i) The percentage leaking connectors shall be calculated as follows:

$$\% C_L = [(C_L - C_{AN}) / (C_t + C_c)] \times 100$$

where:

$\% C_L$  = Percentage leaking connectors.

$C_L$  = Number of connectors including nonreparables, measured at 1,000 parts per million or greater, by Method 21 of 40 CFR part 60, appendix A.

$C_{AN}$  = Number of allowable nonrepairable connectors, as determined by monitoring, not to exceed 3 percent of the total connector population,  $C_t$ .

$C_t$  = Total number of monitored connectors, including nonreparables, in the process unit.

$C_c$  = Optional credit for removed connectors =  $0.67 \times$  net number (i.e., the total number of connectors removed minus the total added) of connectors in organic HAP service removed from the process unit after the applicability date set forth in §63.640(h)(4)(iii) for existing process units, and after the date of start-up for new process units. If credits are not taken, then  $C_c = 0$ .

(ii) Nonrepairable connectors shall be included in the calculation of percentage leaking connectors the first time the connector is identified as leaking and nonrepairable. Otherwise, a number of nonrepairable connectors up to a maximum of 1 percent per year of the total number of connectors in organic HAP service up to a maximum of 3 percent may be excluded from calculation of percentage leaking connectors for subsequent monitoring periods.

(iii) If the number of nonrepairable connectors exceeds 3 percent of the total number of connectors in organic HAP service, the number of nonrepairable connectors exceeding 3 percent of the total number shall be included in the calculation of the percentage leaking connectors.

(7) Physical tagging of the connectors to indicate that they are subject to the monitoring provisions is not required. Connectors may be identified by the area or length of pipe and need not be individually identified.

(d) *Subpart H program.* The owner or operator shall implement a program to comply with the provisions in §63.174 of this part.

(e) Delay of repair of connectors for which leaks have been detected is allowed if repair is not technically feasible by normal repair techniques without a process unit shutdown. Repair of this equipment shall occur by the end of the next process unit shutdown.

(1) Delay of repair is allowed for equipment that is isolated from the process and that does not remain in organic HAP service.

(2) Delay of repair for connectors is also allowed if:

(i) The owner or operator determines that emissions of purged material resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair, and

(ii) When repair procedures are accomplished, the purged material would be collected and destroyed or recovered in a control device.

(f) Any connector that is designated as an unsafe-to-repair connector is exempt from the requirements of paragraphs (b)(3) and (b)(4), (c)(3) and (c)(4), or (d) of this section if:

(1) The owner or operator determines that repair personnel would be exposed to an immediate danger as a consequence of complying with paragraphs (b)(3) and (b)(4), (c)(3) and (c)(4), of this section; or

(2) The connector will be repaired before the end of the next scheduled process unit shutdown.

(g) The owner or operator shall maintain records to document that the connector monitoring or inspections have been conducted as required and to document repair of leaking connectors as applicable.

#### **§ 63.650 Gasoline loading rack provisions.**

(a) Except as provided in paragraphs (b) through (c) of this section, each owner or operator of a Group 1 gasoline loading rack classified under Standard Industrial Classification code 2911 located within a contiguous area and under common control with a petroleum refinery shall comply with subpart R, §§63.421, 63.422(a) through (c) and (e), 63.425(a) through (c) and (i), 63.425(e) through (h), 63.427(a) and (b), and 63.428(b), (c), (g)(1), (h)(1) through (3), and (k).

(b) As used in this section, all terms not defined in §63.641 shall have the meaning given them in subpart A or in 40 CFR part 63, subpart R. The §63.641 definition of "affected source" applies under this section.

(c) Gasoline loading racks regulated under this subpart are subject to the compliance dates specified in §63.640(h).

[60 FR 43260, Aug. 18, 1995, as amended at 61 FR 29880, June 12, 1996; 74 FR 55685, Oct. 28, 2009]

#### **§ 63.651 Marine tank vessel loading operation provisions.**

(a) Except as provided in paragraphs (b) through (d) of this section, each owner or operator of a marine tank vessel loading operation located at a petroleum refinery shall comply with the requirements of §§63.560 through 63.568.

(b) As used in this section, all terms not defined in §63.641 shall have the meaning given them in subpart A or in 40 CFR part 63, subpart Y. The §63.641 definition of “affected source” applies under this section.

(c) The notification reports under §63.567(b) are not required.

(d) The compliance time of 4 years after promulgation of 40 CFR part 63, subpart Y does not apply. The compliance time is specified in §63.640(h)(3).

[60 FR 43260, Aug. 18, 1995, as amended at 61 FR 29880, June 12, 1996; 74 FR 55685, Oct. 28, 2009]

### **§ 63.652 Emissions averaging provisions.**

(a) This section applies to owners or operators of existing sources who seek to comply with the emission standard in §63.642(g) by using emissions averaging according to §63.642(l) rather than following the provisions of §§63.643 through 63.647, and §§63.650 and 63.651. Existing marine tank vessel loading operations located at the Valdez Marine Terminal source may not comply with the standard by using emissions averaging.

(b) The owner or operator shall develop and submit for approval an Implementation Plan containing all of the information required in §63.653(d) for all points to be included in an emissions average. The Implementation Plan shall identify all emission points to be included in the emissions average. This must include any Group 1 emission points to which the reference control technology (defined in §63.641) is not applied and all other emission points being controlled as part of the average.

(c) The following emission points can be used to generate emissions averaging credits if control was applied after November 15, 1990 and if sufficient information is available to determine the appropriate value of credits for the emission point:

(1) Group 2 emission points;

(2) Group 1 storage vessels, Group 1 wastewater streams, Group 1 gasoline loading racks, Group 1 marine tank vessels, and Group 1 miscellaneous process vents that are controlled by a technology that the Administrator or permitting authority agrees has a higher nominal efficiency than the reference control technology. Information on the nominal efficiencies for such technologies must be submitted and approved as provided in paragraph (i) of this section; and

(3) Emission points from which emissions are reduced by pollution prevention measures. Percentages of reduction for pollution prevention measures shall be determined as specified in paragraph (j) of this section.

(i) For a Group 1 emission point, the pollution prevention measure must reduce emissions more than the reference control technology would have had the reference control technology been applied to the emission point instead of the pollution prevention measure except as provided in paragraph (c)(3)(ii) of this section.

(ii) If a pollution prevention measure is used in conjunction with other controls for a Group 1 emission point, the pollution prevention measure alone does not have to reduce emissions more than the reference control technology, but the combination of the pollution prevention measure and other controls must reduce emissions more than the reference control technology would have had it been applied instead.

(d) The following emission points cannot be used to generate emissions averaging credits:

(1) Emission points already controlled on or before November 15, 1990 unless the level of control is increased after November 15, 1990, in which case credit will be allowed only for the increase in control after November 15, 1990;

(2) Group 1 emission points that are controlled by a reference control technology unless the reference control technology has been approved for use in a different manner and a higher nominal efficiency has been assigned according to the procedures in paragraph (i) of this section. For example, it is not allowable to claim that an internal floating roof meeting only the specifications stated in the reference control technology definition in §63.641 (i.e., that meets the specifications of §63.119(b) of subpart G but does not have controlled fittings per §63.119 (b)(5) and (b)(6) of subpart G) applied to a storage vessel is achieving greater than 95 percent control;

(3) Emission points on shutdown process units. Process units that are shut down cannot be used to generate credits or debits;

(4) Wastewater that is not process wastewater or wastewater streams treated in biological treatment units. These two types of wastewater cannot be used to generate credits or debits. Group 1 wastewater streams cannot be left undercontrolled or uncontrolled to generate debits. For the purposes of this section, the terms "wastewater" and "wastewater stream" are used to mean process wastewater; and

(5) Emission points controlled to comply with a State or Federal rule other than this subpart, unless the level of control has been increased after November 15, 1990 above what is required by the other State or Federal rule. Only the control above what is required by the other State or Federal rule will be credited. However, if an emission point has been used to generate emissions averaging credit in an approved emissions average, and the point is subsequently made subject to a State or Federal rule other than this subpart, the point can continue to generate emissions averaging credit for the purpose of complying with the previously approved average.

(e) For all points included in an emissions average, the owner or operator shall:

(1) Calculate and record monthly debits for all Group 1 emission points that are controlled to a level less stringent than the reference control technology for those emission points. Equations in paragraph (g) of this section shall be used to calculate debits.

(2) Calculate and record monthly credits for all Group 1 or Group 2 emission points that are overcontrolled to compensate for the debits. Equations in paragraph (h) of this section shall be used to calculate credits. Emission points and controls that meet the criteria of paragraph (c) of this section may be included in the credit calculation, whereas those described in paragraph (d) of this section shall not be included.

(3) Demonstrate that annual credits calculated according to paragraph (h) of this section are greater than or equal to debits calculated for the same annual compliance period according to paragraph (g) of this section.

(i) The initial demonstration in the Implementation Plan that credit-generating emission points will be capable of generating sufficient credits to offset the debits from the debit-generating emission points must be made under representative operating conditions.

(ii) After the compliance date, actual operating data will be used for all debit and credit calculations.

(4) Demonstrate that debits calculated for a quarterly (3-month) period according to paragraph (g) of this section are not more than 1.30 times the credits for the same period calculated according to paragraph (h) of this section. Compliance for the quarter shall be determined based on the ratio of credits and debits from that quarter, with 30 percent more debits than credits allowed on a quarterly basis.

(5) Record and report quarterly and annual credits and debits in the Periodic Reports as specified in §63.655(g)(8). Every fourth Periodic Report shall include a certification of compliance with the emissions averaging provisions as required by §63.655(g)(8)(iii).

(f) Debits and credits shall be calculated in accordance with the methods and procedures specified in paragraphs (g) and (h) of this section, respectively, and shall not include emissions from the following:

(1) More than 20 individual emission points. Where pollution prevention measures (as specified in paragraph (j)(1) of this section) are used to control emission points to be included in an emissions average, no more than 25 emission points may be included in the average. For example, if two emission points to be included in an emissions average are controlled by pollution prevention measures, the average may include up to 22 emission points.

(2) Periods of startup, shutdown, and malfunction as described in the source's startup, shutdown, and malfunction plan required by §63.6(e)(3) of subpart A of this part.

(3) For emission points for which continuous monitors are used, periods of excess emissions as defined in §63.655(g)(6)(i). For these periods, the calculation of monthly credits and debits shall be adjusted as specified in paragraphs (f)(3)(i) through (f)(3)(iii) of this section.

(i) No credits would be assigned to the credit-generating emission point.

(ii) Maximum debits would be assigned to the debit-generating emission point.

(iii) The owner or operator may use the procedures in paragraph (l) of this section to demonstrate to the Administrator that full or partial credits or debits should be assigned.

(g) Debits are generated by the difference between the actual emissions from a Group 1 emission point that is uncontrolled or is controlled to a level less stringent than the reference control technology, and the emissions allowed for Group 1 emission point. Debits shall be calculated as follows:

(1) The overall equation for calculating sourcewide debits is:

$$Debits = \sum_{i=1}^n (EPV_{iACTUAL} - (0.02) EPV_{iu}) + \sum_{i=1}^n (ES_{iACTUAL} - (0.05) ES_{iu}) + \sum_{i=1}^n (EGLR_{iACTUAL} - EGLR_{iC}) + \sum_{i=1}^n (EMV_{iACTUAL} - (0.03) EMV_{iu})$$

where:

Debits and all terms of the equation are in units of megagrams per month, and

$EPV_{iACTUAL}$  = Emissions from each Group 1 miscellaneous process vent *i* that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(2) of this section.

(0.02)  $EPV_{iu}$  = Emissions from each Group 1 miscellaneous process vent *i* if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (g)(2) of this section.

$ES_{iACTUAL}$  = Emissions from each Group 1 storage vessel *i* that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(3) of this section.

(0.05)  $ES_{iu}$  = Emissions from each Group 1 storage vessel *i* if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (g)(3) of this section.

$EGLR_{iACTUAL}$ =Emissions from each Group 1 gasoline loading rack i that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(4) of this section.

$EGLR_{ic}$ =Emissions from each Group 1 gasoline loading rack i if the reference control technology had been applied to the uncontrolled emissions. This is calculated according to paragraph (g)(4) of this section.

$EMV_{ACTUAL}$ =Emissions from each Group 1 marine tank vessel i that is uncontrolled or is controlled to a level less stringent than the reference control technology. This is calculated according to paragraph (g)(5) of this section.

(0.03)  $EMV_{iu}$ =Emissions from each Group 1 marine tank vessel i if the reference control technology had been applied to the uncontrolled emissions calculated according to paragraph (g)(5) of this section.

n=The number of Group 1 emission points being included in the emissions average. The value of n is not necessarily the same for each kind of emission point.

(2) Emissions from miscellaneous process vents shall be calculated as follows:

(i) For purposes of determining miscellaneous process vent stream flow rate, organic HAP concentrations, and temperature, the sampling site shall be after the final product recovery device, if any recovery devices are present; before any control device (for miscellaneous process vents, recovery devices shall not be considered control devices); and before discharge to the atmosphere. Method 1 or 1A of part 60, appendix A shall be used for selection of the sampling site.

(ii) The following equation shall be used for each miscellaneous process vent i to calculate  $EPV_{iu}$ :

$$EPV_{iu} = (2.494 \times 10^{-9}) Qh \left( \sum_{j=1}^n C_j M_j \right)$$

where:

$EPV_{iu}$ =Uncontrolled process vent emission rate from miscellaneous process vent i, megagrams per month.

Q=Vent stream flow rate, dry standard cubic meters per minute, measured using Methods 2, 2A, 2C, or 2D of part 60 appendix A, as appropriate.

h=Monthly hours of operation during which positive flow is present in the vent, hours per month.

$C_j$ =Concentration, parts per million by volume, dry basis, of organic HAP j as measured by Method 18 of part 60 appendix A.

$M_j$ =Molecular weight of organic HAP j, gram per gram-mole.

n=Number of organic HAP's in the miscellaneous process vent stream.

(A) The values of Q, C<sub>j</sub>, and M<sub>j</sub> shall be determined during a performance test conducted under representative operating conditions. The values of Q, C<sub>j</sub>, and M<sub>j</sub> shall be established in the Notification of Compliance Status report and must be updated as provided in paragraph (g)(2)(ii)(B) of this section.

(B) If there is a change in capacity utilization other than a change in monthly operating hours, or if any other change is made to the process or product recovery equipment or operation such that the previously measured values of Q, C<sub>j</sub>, and M<sub>j</sub> are no longer representative, a new performance test shall be conducted to determine new representative values of Q, C<sub>j</sub>, and M<sub>j</sub>. These new values shall be used to calculate debits and credits from the time of the change forward, and the new values shall be reported in the next Periodic Report.

(iii) The following procedures and equations shall be used to calculate EPV<sub>ACTUAL</sub>:

(A) If the vent is not controlled by a control device or pollution prevention measure, EPV<sub>ACTUAL</sub> = EPV<sub>iu</sub>, where EPV<sub>iu</sub> is calculated according to the procedures in paragraphs (g)(2)(i) and (g)(2)(ii) of this section.

(B) If the vent is controlled using a control device or a pollution prevention measure achieving less than 98-percent reduction,

$$EPV_{ACTUAL} = EPV_{iu} \times \left( 1 - \frac{\text{Percent reduction}}{100\%} \right)$$

( 1 ) The percent reduction shall be measured according to the procedures in §63.116 of subpart G if a combustion control device is used. For a flare meeting the criteria in §63.116(a) of subpart G, or a boiler or process heater meeting the criteria in §63.645(d) of this subpart or §63.116(b) of subpart G, the percentage of reduction shall be 98 percent. If a noncombustion control device is used, percentage of reduction shall be demonstrated by a performance test at the inlet and outlet of the device, or, if testing is not feasible, by a control design evaluation and documented engineering calculations.

( 2 ) For determining debits from miscellaneous process vents, product recovery devices shall not be considered control devices and cannot be assigned a percentage of reduction in calculating EPV<sub>ACTUAL</sub>. The sampling site for measurement of uncontrolled emissions is after the final product recovery device.

( 3 ) Procedures for calculating the percentage of reduction of pollution prevention measures are specified in paragraph (j) of this section.

(3) Emissions from storage vessels shall be calculated as specified in §63.150(g)(3) of subpart G.

(4) Emissions from gasoline loading racks shall be calculated as follows:

(i) The following equation shall be used for each gasoline loading rack i to calculate EGLR<sub>iu</sub>:

$$EGLR_{iu} = (1.20 \times 10^{-7}) \frac{SPMG}{T}$$

where:

EGLR<sub>iu</sub> = Uncontrolled transfer HAP emission rate from gasoline loading rack i, megagrams per month

S = Saturation factor, dimensionless (see table 33 of subpart G).

P=Weighted average rack partial pressure of organic HAP's transferred at the rack during the month, kilopascals.

M=Weighted average molecular weight of organic HAP's transferred at the gasoline loading rack during the month, gram per gram-mole.

G=Monthly volume of gasoline transferred from gasoline loading rack, liters per month.

T=Weighted rack bulk liquid loading temperature during the month, degrees kelvin (degrees Celsius °C + 273).

(ii) The following equation shall be used for each gasoline loading rack i to calculate the weighted average rack partial pressure:

$$P = \frac{\sum_{j=1}^{j=n} (P_j)(G_j)}{G}$$

where:

P<sub>j</sub>=Maximum true vapor pressure of individual organic HAP transferred at the rack, kilopascals.

G=Monthly volume of organic HAP transferred, liters per month, and

$$G = \sum_{j=1}^{j=n} G_j$$

G<sub>j</sub>=Monthly volume of individual organic HAP transferred at the gasoline loading rack, liters per month.

n=Number of organic HAP's transferred at the gasoline loading rack.

(iii) The following equation shall be used for each gasoline loading rack i to calculate the weighted average rack molecular weight:

$$M = \frac{\sum_{j=1}^{j=n} (M_j)(G_j)}{G}$$

where:

M<sub>j</sub>=Molecular weight of individual organic HAP transferred at the rack, gram per gram-mole.

G, G<sub>j</sub>, and n are as defined in paragraph (g)(4)(ii) of this section.

(iv) The following equation shall be used for each gasoline loading rack i to calculate the monthly weighted rack bulk liquid loading temperature:

$$T = \frac{\sum_{j=1}^{j=n} (T_j)(G_j)}{G}$$

$T_j$ =Average annual bulk temperature of individual organic HAP loaded at the gasoline loading rack, kelvin (degrees Celsius °C+273).

$G$ ,  $G_j$ , and  $n$  are as defined in paragraph (g)(4)(ii) of this section.

(v) The following equation shall be used to calculate  $EGLR_{ic}$ :

$$EGLR_{ic} = 1 \times 10^{-8} G$$

$G$  is as defined in paragraph (g)(4)(ii) of this section.

(vi) The following procedures and equations shall be used to calculate  $EGLR_{ACTUAL}$ :

(A) If the gasoline loading rack is not controlled,  $EGLR_{ACTUAL} = EGLR_{iu}$ , where  $EGLR_{iu}$  is calculated using the equations specified in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

(B) If the gasoline loading rack is controlled using a control device or a pollution prevention measure not achieving the requirement of less than 10 milligrams of TOC per liter of gasoline loaded,

$$EGLR_{ACTUAL} = EGLR_{iu} \left( \frac{1 - \text{Percent reduction}}{100\%} \right)$$

( 1 ) The percent reduction for a control device shall be measured according to the procedures and test methods specified in §63.128(a) of subpart G. If testing is not feasible, the percentage of reduction shall be determined through a design evaluation according to the procedures specified in §63.128(h) of subpart G.

( 2 ) Procedures for calculating the percentage of reduction for pollution prevention measures are specified in paragraph (j) of this section.

(5) Emissions from marine tank vessel loading shall be calculated as follows:

(i) The following equation shall be used for each marine tank vessel  $i$  to calculate  $EMV_{iu}$ :

$$EMV_{iu} = \sum_{i=1}^m (Q_i)(F_i)(P_i)$$

where:

$EMV_{iu}$ =Uncontrolled marine tank vessel HAP emission rate from marine tank vessel  $i$ , megagrams per month.

$Q_i$ =Quantity of commodity loaded (per vessel type), liters.

$F_i$ =Emission factor, megagrams per liter.

$P_i$ =Percent HAP.

$m$ =Number of combinations of commodities and vessel types loaded.

Emission factors shall be based on test data or emission estimation procedures specified in §63.565(l) of subpart Y.

(ii) The following procedures and equations shall be used to calculate  $EMV_{iACTUAL}$ :

(A) If the marine tank vessel is not controlled,  $EMV_{iACTUAL}=EMV_{iu}$ , where  $EMV_{iu}$  is calculated using the equations specified in paragraph (g)(5)(i) of this section.

(B) If the marine tank vessel is controlled using a control device or a pollution prevention measure achieving less than 97-percent reduction,

$$EMV_{iACTUAL} = EMV_{iu} \left( \frac{1 - \text{Percent reduction}}{100\%} \right)$$

( 1 ) The percent reduction for a control device shall be measured according to the procedures and test methods specified in §63.565(d) of subpart Y. If testing is not feasible, the percentage of reduction shall be determined through a design evaluation according to the procedures specified in §63.128(h) of subpart G.

( 2 ) Procedures for calculating the percentage of reduction for pollution prevention measures are specified in paragraph (j) of this section.

(h) Credits are generated by the difference between emissions that are allowed for each Group 1 and Group 2 emission point and the actual emissions from a Group 1 or Group 2 emission point that has been controlled after November 15, 1990 to a level more stringent than what is required by this subpart or any other State or Federal rule or statute. Credits shall be calculated as follows:

(1) The overall equation for calculating sourcewide credits is:

$$\begin{aligned} Credits = & D \sum_{i=1}^n \left( (0.02) EPV_{1_{in}} - EPV_{1_{iACTUAL}} \right) + D \sum_{i=1}^m \left( EPV_{2_{iBASE}} - EPV_{2_{iACTUAL}} \right) + \\ & D \sum_{i=1}^n \left( (0.05) ES_{1_{in}} - ES_{1_{iACTUAL}} \right) + D \sum_{i=1}^m \left( ES_{2_{iBASE}} - ES_{2_{iACTUAL}} \right) + \\ & D \sum_{i=1}^n \left( EGLR_{ix} - EGLR_{iACTUAL} \right) + D \sum_{i=1}^m \left( EGLR_{2_{iBASE}} - EGLR_{2_{iACTUAL}} \right) + \\ & D \sum_{i=1}^n \left( (0.03) EMV_{1_{in}} - EMV_{1_{iACTUAL}} \right) + D \sum_{i=1}^m \left( EMV_{2_{iBASE}} - EMV_{2_{iACTUAL}} \right) + \\ & D \sum_{i=1}^n \left( EWW_{1_{ix}} - EWW_{1_{iACTUAL}} \right) + D \sum_{i=1}^m \left( EWW_{2_{iBASE}} - EWW_{2_{iACTUAL}} \right) \end{aligned}$$

where:

Credits and all terms of the equation are in units of megagrams per month, the baseline date is November 15, 1990, and

$D$ =Discount factor=0.9 for all credit-generating emission points except those controlled by a pollution prevention measure, which will not be discounted.

$EPV1_{iACTUAL}$ =Emissions for each Group 1 miscellaneous process vent  $i$  that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(2) of this section.

(0.02)  $EPV1_{iu}$ =Emissions from each Group 1 miscellaneous process vent  $i$  if the reference control technology had been applied to the uncontrolled emissions.  $EPV1_{iu}$  is calculated according to paragraph (h)(2) of this section.

$EPV2_{iBASE}$ =Emissions from each Group 2 miscellaneous process vent; at the baseline date, as calculated in paragraph (h)(2) of this section.

$EPV2_{iACTUAL}$ =Emissions from each Group 2 miscellaneous process vent that is controlled, calculated according to paragraph (h)(2) of this section.

$ES1_{iACTUAL}$ =Emissions from each Group 1 storage vessel  $i$  that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(3) of this section.

(0.05)  $ES1_{iu}$ =Emissions from each Group 1 storage vessel  $i$  if the reference control technology had been applied to the uncontrolled emissions.  $ES1_{iu}$  is calculated according to paragraph (h)(3) of this section.

$ES2_{iACTUAL}$ =Emissions from each Group 2 storage vessel  $i$  that is controlled, calculated according to paragraph (h)(3) of this section.

$ES2_{iBASE}$ =Emissions from each Group 2 storage vessel  $i$  at the baseline date, as calculated in paragraph (h)(3) of this section.

$EGLR1_{iACTUAL}$ =Emissions from each Group 1 gasoline loading rack  $i$  that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(4) of this section.

$EGLR_{ic}$ =Emissions from each Group 1 gasoline loading rack  $i$  if the reference control technology had been applied to the uncontrolled emissions.  $EGLR_{iu}$  is calculated according to paragraph (h)(4) of this section.

$EGLR2_{iACTUAL}$ =Emissions from each Group 2 gasoline loading rack  $i$  that is controlled, calculated according to paragraph (h)(4) of this section.

$EGLR2_{iBASE}$ =Emissions from each Group 2 gasoline loading rack  $i$  at the baseline date, as calculated in paragraph (h)(4) of this section.

$EMV1_{iACTUAL}$ =Emissions from each Group 1 marine tank vessel  $i$  that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(4) of this section.

(0.03)  $EMV1_{iu}$  = Emissions from each Group 1 marine tank vessel  $i$  if the reference control technology had been applied to the uncontrolled emissions.  $EMV1_{iu}$  is calculated according to paragraph (h)(5) of this section.

$EMV2_{iACTUAL}$  = Emissions from each Group 2 marine tank vessel  $i$  that is controlled, calculated according to paragraph (h)(5) of this section.

$EMV2_{iBASE}$  = Emissions from each Group 2 marine tank vessel  $i$  at the baseline date, as calculated in paragraph (h)(5) of this section.

$EWV1_{iACTUAL}$  = Emissions from each Group 1 wastewater stream  $i$  that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (h)(6) of this section.

$EWV1_{ic}$  = Emissions from each Group 1 wastewater stream  $i$  if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (h)(6) of this section.

$EWV2_{iACTUAL}$  = Emissions from each Group 2 wastewater stream  $i$  that is controlled, calculated according to paragraph (h)(6) of this section.

$EWV2_{iBASE}$  = Emissions from each Group 2 wastewater stream  $i$  at the baseline date, calculated according to paragraph (h)(6) of this section.

$n$  = Number of Group 1 emission points included in the emissions average. The value of  $n$  is not necessarily the same for each kind of emission point.

$m$  = Number of Group 2 emission points included in the emissions average. The value of  $m$  is not necessarily the same for each kind of emission point.

(i) For an emission point controlled using a reference control technology, the percentage of reduction for calculating credits shall be no greater than the nominal efficiency associated with the reference control technology, unless a higher nominal efficiency is assigned as specified in paragraph (h)(1)(ii) of this section.

(ii) For an emission point controlled to a level more stringent than the reference control technology, the nominal efficiency for calculating credits shall be assigned as described in paragraph (i) of this section. A reference control technology may be approved for use in a different manner and assigned a higher nominal efficiency according to the procedures in paragraph (i) of this section.

(iii) For an emission point controlled using a pollution prevention measure, the nominal efficiency for calculating credits shall be determined as described in paragraph (j) of this section.

(2) Emissions from process vents shall be determined as follows:

(i) Uncontrolled emissions from miscellaneous process vents,  $EPV1_{iu}$ , shall be calculated according to the procedures and equation for  $EPV_{iu}$  in paragraphs (g)(2)(i) and (g)(2)(ii) of this section.

(ii) Actual emissions from miscellaneous process vents controlled using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent emission reduction,  $EPV1_{iACTUAL}$ , shall be calculated according to the following equation:

$$EPV1_{ACTUAL} = EPV1_{iw} \left( 1 - \frac{Nominal\ efficiency\ \%}{100\%} \right)$$

(iii) The following procedures shall be used to calculate actual emissions from Group 2 process vents,  $EPV2_{ACTUAL}$ :

(A) For a Group 2 process vent controlled by a control device, a recovery device applied as a pollution prevention project, or a pollution prevention measure, if the control achieves a percentage of reduction less than or equal to a 98 percent reduction,

$$EPV2_{ACTUAL} = EPV2_{iw} \times \left( 1 - \frac{Percent\ reduction}{100\%} \right)$$

( 1 )  $EPV2_{iw}$  shall be calculated according to the equations and procedures for  $EPV_{iw}$  in paragraphs (g)(2)(i) and (g)(2)(ii) of this section except as provided in paragraph (h)(2)(iii)(A)( 3 ) of this section.

( 2 ) The percentage of reduction shall be calculated according to the procedures in paragraphs (g)(2)(iii)(B)( 1 ) through (g)(2)(iii)(B)( 3 ) of this section except as provided in paragraph (h)(2)(iii)(A)( 4 ) of this section.

( 3 ) If a recovery device was added as part of a pollution prevention project,  $EPV2_{iw}$  shall be calculated prior to that recovery device. The equation for  $EPV_{iw}$  in paragraph (g)(2)(ii) of this section shall be used to calculate  $EPV2_{iw}$ ; however, the sampling site for measurement of vent stream flow rate and organic HAP concentration shall be at the inlet of the recovery device.

( 4 ) If a recovery device was added as part of a pollution prevention project, the percentage of reduction shall be demonstrated by conducting a performance test at the inlet and outlet of that recovery device.

(B) For a Group 2 process vent controlled using a technology with an approved nominal efficiency greater than a 98 percent or a pollution prevention measure achieving greater than 98 percent reduction,

$$EPV2_{ACTUAL} = EPV2_{iw} \left( 1 - \frac{Nominal\ efficiency\ \%}{100\%} \right)$$

(iv) Emissions from Group 2 process vents at baseline,  $EPV2_{BASE}$ , shall be calculated as follows:

(A) If the process vent was uncontrolled on November 15, 1990,  $EPV2_{BASE} = EPV2_{iw}$ , and shall be calculated according to the procedures and equation for  $EPV_{iw}$  in paragraphs (g)(2)(i) and (g)(2)(ii) of this section.

(B) If the process vent was controlled on November 15, 1990,

$$EPV2_{BASE} = EPV2_{iw} \left( 1 - \frac{Percent\ reduction\ \%}{100\%} \right)$$

where  $EPV2_{iw}$  is calculated according to the procedures and equation for  $EPV_{iw}$  in paragraphs (g)(2)(i) and (g)(2)(ii) of this section. The percentage of reduction shall be calculated according to the procedures specified in paragraphs (g)(2)(iii)(B)( 1 ) through (g)(2)(iii)(B)( 3 ) of this section.

(C) If a recovery device was added to a process vent as part of a pollution prevention project initiated after November 15, 1990,  $EPV2_{BASE} = EPV2_{iw}$ , where  $EPV2_{iw}$  is calculated according to paragraph (h)(2)(iii)(A)( 3 ) of this section.

(3) Emissions from storage vessels shall be determined as specified in §63.150(h)(3) of subpart G, except as follows:

(i) All references to §63.119(b) in §63.150(h)(3) of subpart G shall be replaced with: §63.119 (b) or §63.119(b) except for §63.119(b)(5) and (b)(6).

(ii) All references to §63.119(c) in §63.150(h)(3) of subpart G shall be replaced with: §63.119(c) or §63.119(c) except for §63.119(c)(2).

(iii) All references to §63.119(d) in §63.150(h)(3) of subpart G shall be replaced with: §63.119(d) or §63.119(d) except for §63.119(d)(2).

(4) Emissions from gasoline loading racks shall be determined as follows:

(i) Uncontrolled emissions from Group 1 gasoline loading racks,  $EGLR1_{iu}$ , shall be calculated according to the procedures and equations for  $EGLR_{iu}$  as described in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

(ii) Emissions from Group 1 gasoline loading racks if the reference control technology had been applied,  $EGLR_{ic}$ , shall be calculated according to the procedures and equations in paragraph (g)(4)(v) of this section.

(iii) Actual emissions from Group 1 gasoline loading racks controlled to less than 10 milligrams of TOC per liter of gasoline loaded;  $EGLR_{iACTUAL}$ , shall be calculated according to the following equation:

$$EGLR1_{iACTUAL} = EGLR1_{iu} \left( 1 - \frac{\text{Nominal efficiency}}{100\%} \right)$$

(iv) The following procedures shall be used to calculate actual emissions from Group 2 gasoline loading racks,  $EGLR2_{iACTUAL}$ :

(A) For a Group 2 gasoline loading rack controlled by a control device or a pollution prevention measure achieving emissions reduction but where emissions are greater than the 10 milligrams of TOC per liter of gasoline loaded requirement,

$$EGLR2_{iACTUAL} = EGLR2_{iu} \left( 1 - \frac{\text{Percent reduction}}{100\%} \right)$$

( 1 )  $EGLR2_{iu}$  shall be calculated according to the equations and procedures for  $EGLR_{iu}$  in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

( 2 ) The percentage of reduction shall be calculated according to the procedures in paragraphs (g)(4)(vi)(B)( 1 ) and (g)(4)(vi)(B)( 2 ) of this section.

(B) For a Group 2 gasoline loading rack controlled by using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than a 98-percent reduction,

$$EGLR2_{iACTUAL} = EGLR2_{iu} \left( 1 - \frac{\text{Nominal efficiency}}{100\%} \right)$$

(v) Emissions from Group 2 gasoline loading racks at baseline,  $EGLR2_{iBASE}$ , shall be calculated as follows:

(A) If the gasoline loading rack was uncontrolled on November 15, 1990,  $EGLR2_{iBASE} = EGLR2_{iu}$ , and shall be calculated according to the procedures and equations for  $EGLR_{iu}$  in paragraphs (g)(4)(i) through (g)(4)(iv) of this section.

(B) If the gasoline loading rack was controlled on November 15, 1990,

$$EGLR2_{iBASE} = EGLR2_{iu} \left( 1 - \frac{\text{Percent reduction}}{100\%} \right)$$

where  $EGLR2_{iu}$  is calculated according to the procedures and equations for  $EGLR_{iu}$  in paragraphs (g)(4)(i) through (g)(4)(iv) of this section. Percentage of reduction shall be calculated according to the procedures in paragraphs (g)(4)(vi)(B)( 1 ) and (g)(4)(vi)(B)( 2 ) of this section.

(5) Emissions from marine tank vessels shall be determined as follows:

(i) Uncontrolled emissions from Group 1 marine tank vessels,  $EMV1_{iu}$ , shall be calculated according to the procedures and equations for  $EMV_{iu}$  as described in paragraph (g)(5)(i) of this section.

(ii) Actual emissions from Group 1 marine tank vessels controlled using a technology or pollution prevention measure with an approved nominal efficiency greater than 97 percent,  $EMV_{iACTUAL}$ , shall be calculated according to the following equation:

$$EMV_{iACTUAL} = EMV1_{iu} \left( 1 - \frac{\text{Nominal efficiency}}{100\%} \right)$$

(iii) The following procedures shall be used to calculate actual emissions from Group 2 marine tank vessels,  $EMV2_{iACTUAL}$ :

(A) For a Group 2 marine tank vessel controlled by a control device or a pollution prevention measure achieving a percentage of reduction less than or equal to 97 percent reduction,

$$EMV2_{iACTUAL} = EMV2_{iu} \left( 1 - \frac{\text{Percent reduction}}{100\%} \right)$$

( 1 )  $EMV2_{iu}$  shall be calculated according to the equations and procedures for  $EMV_{iu}$  in paragraph (g)(5)(i) of this section.

( 2 ) The percentage of reduction shall be calculated according to the procedures in paragraphs (g)(5)(ii)(B)( 1 ) and (g)(5)(ii)(B)( 2 ) of this section.

(B) For a Group 2 marine tank vessel controlled using a technology or a pollution prevention measure with an approved nominal efficiency greater than 97 percent,

$$EMV2_{iACTUAL} = EMV2_{iu} \left( 1 - \frac{\text{Nominal efficiency}}{100\%} \right)$$

(iv) Emissions from Group 2 marine tank vessels at baseline,  $EMV2_{iBASE}$ , shall be calculated as follows:

(A) If the marine terminal was uncontrolled on November 15, 1990,  $EMV2_{iBASE}$  equals  $EMV2_{iu}$ , and shall be calculated according to the procedures and equations for  $EMV_{iu}$  in paragraph (g)(5)(i) of this section.

(B) If the marine tank vessel was controlled on November 15, 1990,

$$EMV2_{iBASE} = EMV2_{iu} \left( 1 - \frac{\text{Percent reduction}}{100\%} \right)$$

where  $EMV2_{iu}$  is calculated according to the procedures and equations for  $EMV_{iu}$  in paragraph (g)(5)(i) of this section. Percentage of reduction shall be calculated according to the procedures in paragraphs (g)(5)(ii)(B)( 1 ) and (g)(5)(ii)(B)( 2 ) of this section.

(6) Emissions from wastewater shall be determined as follows:

(i) For purposes of paragraphs (h)(4)(ii) through (h)(4)(vi) of this section, the following terms will have the meaning given them in paragraphs (h)(6)(i)(A) through (h)(6)(i)(C) of this section.

(A) *Correctly suppressed* means that a wastewater stream is being managed according to the requirements of §§61.343 through 61.347 or §61.342(c)(l)(iii) of 40 CFR part 61, subpart FF, as applicable, and the emissions from the waste management units subject to those requirements are routed to a control device that reduces HAP emissions by 95 percent or greater.

(B) *Treatment process* has the meaning given in §61.341 of 40 CFR part 61, subpart FF except that it does not include biological treatment units.

(C) *Vapor control device* means the control device that receives emissions vented from a treatment process or treatment processes.

(ii) The following equation shall be used for each wastewater stream i to calculate  $EWV_{ic}$ :

$$EWV_{ic} = (6.0 * 10^{-8}) Q_i H_i \sum_{m=1}^s (1 - Fr_m) Fe_m HAP_{im} + (0.05) (6.0 * 10^{-8}) Q_i H_i \sum_{m=1}^s (Fr_m HAP_{im})$$

where:

$EWV_{ic}$  = Monthly wastewater stream emission rate if wastewater stream i were controlled by the reference control technology, megagrams per month.

$Q_i$  = Average flow rate for wastewater stream i, liters per minute.

$H_i$  = Number of hours during the month that wastewater stream i was generated, hours per month.

$Fr_m$  = Fraction removed of organic HAP m in wastewater, from table 7 of this subpart, dimensionless.

$Fe_m$  = Fraction emitted of organic HAP m in wastewater from table 7 of this subpart, dimensionless.

s = Total number of organic HAP's in wastewater stream i.

$HAP_{im}$  = Average concentration of organic HAP m in wastewater stream i, parts per million by weight.

(A)  $HAP_{im}$  shall be determined for the point of generation or at a location downstream of the point of generation. Wastewater samples shall be collected using the sampling procedures specified in Method 25D of 40 CFR part 60, appendix A. Where feasible, samples shall be taken from an enclosed pipe prior to the wastewater being exposed to the atmosphere. When sampling from an enclosed pipe is not feasible, a minimum of three representative samples shall be collected in a manner to minimize exposure of the sample to the atmosphere and loss of organic HAP's prior to sampling. The samples collected may be analyzed by either of the following procedures:

( 1 ) A test method or results from a test method that measures organic HAP concentrations in the wastewater, and that has been validated pursuant to section 5.1 or 5.3 of Method 301 of appendix A of this part may be used; or

( 2 ) Method 305 of appendix A of this part may be used to determine  $C_{im}$ , the average volatile organic HAP concentration of organic HAP m in wastewater stream i, and then  $HAP_{im}$  may be calculated using the following equation:  $HAP_{im} = C_{im} / F_{m_m}$ , where  $F_{m_m}$  for organic HAP m is obtained from table 7 of this subpart.

(B) Values for  $Q_i$ ,  $HAP_{im}$ , and  $C_{im}$  shall be determined during a performance test conducted under representative conditions. The average value obtained from three test runs shall be used. The values of  $Q_i$ ,  $HAP_{im}$ , and  $C_{im}$  shall be established in the Notification of Compliance Status report and must be updated as provided in paragraph (h)(6)(i)(C) of this section.

(C) If there is a change to the process or operation such that the previously measured values of  $Q_i$ ,  $HAP_{im}$ , and  $C_{im}$  are no longer representative, a new performance test shall be conducted to determine new representative values of  $Q_i$ ,  $HAP_{im}$ , and  $C_{im}$ . These new values shall be used to calculate debits and credits from the time of the change forward, and the new values shall be reported in the next Periodic Report.

(iii) The following equations shall be used to calculate  $EWW_{iACTUAL}$  for each Group 1 wastewater stream i that is correctly suppressed and is treated to a level more stringent than the reference control technology.

(A) If the Group 1 wastewater stream i is controlled using a treatment process or series of treatment processes with an approved nominal reduction efficiency for an individually speciated HAP that is greater than that specified in table 7 of this subpart, and the vapor control device achieves a percentage of reduction equal to 95 percent, the following equation shall be used:

$$EWW_{iACTUAL} = (6.0 * 10^{-8}) Q_i H_i \sum_{m=1}^5 [ Fe_m HAP_{im} (1 - PR_{im}) ] + 0.05 (6.0 * 10^{-8}) Q_i H_i \sum_{m=1}^5 [ HAP_{im} PR_{im} ]$$

Where:

$EWW_{iACTUAL}$  = Monthly wastewater stream emission rate if wastewater stream i is treated to a level more stringent than the reference control technology, megagrams per month.

$PR_{im}$  = The efficiency of the treatment process, or series of treatment processes, that treat wastewater stream i in reducing the emission potential of organic HAP m in wastewater, dimensionless, as calculated by:

$$PR_{im} = \frac{HAP_{im-in} - HAP_{im-out}}{HAP_{im-in}}$$

Where:

HAP<sub>m-in</sub>=Average concentration of organic HAP m, parts per million by weight, as defined and determined according to paragraph (h)(6)(ii)(A) of this section, in the wastewater entering the first treatment process in the series.

HAP<sub>m-out</sub>=Average concentration of organic HAP m, parts per million by weight, as defined and determined according to paragraph (h)(6)(ii)(A) of this section, in the wastewater exiting the last treatment process in the series.

All other terms are as defined and determined in paragraph (h)(6)(ii) of this section.

(B) If the Group 1 wastewater stream i is not controlled using a treatment process or series of treatment processes with an approved nominal reduction efficiency for an individually speciated HAP that is greater than that specified in table 7 of this subpart, but the vapor control device has an approved nominal efficiency greater than 95 percent, the following equation shall be used:

$$EWW1_{ACTUAL} = (6.0 \cdot 10^{-8}) Q_i H_i \sum_{m=1}^5 [Fe_m HAP_{im} (1 - A_m)] + \left(1 - \frac{\text{Nominal efficiency \%}}{100}\right) (6.0 \cdot 10^{-8}) Q_i H_i \sum_{m=1}^5 [$$

Where:

Nominal efficiency=Approved reduction efficiency of the vapor control device, dimensionless, as determined according to the procedures in §63.652(i).

A<sub>m</sub>=The efficiency of the treatment process, or series of treatment processes, that treat wastewater stream i in reducing the emission potential of organic HAP m in wastewater, dimensionless.

All other terms are as defined and determined in paragraphs (h)(6)(ii) and (h)(6)(iii)(A) of this section.

( 1 ) If a steam stripper meeting the specifications in the definition of reference control technology for wastewater is used, A<sub>m</sub> shall be equal to the value of F<sub>r,m</sub> given in table 7 of this subpart.

( 2 ) If an alternative control device is used, the percentage of reduction must be determined using the equation and methods specified in paragraph (h)(6)(iii)(A) of this section for determining PR<sub>im</sub>. If the value of PR<sub>im</sub> is greater than or equal to the value of F<sub>r,m</sub> given in table 7 of this subpart, then A<sub>m</sub> equals F<sub>r,m</sub> unless a higher nominal efficiency has been approved. If a higher nominal efficiency has been approved for the treatment process, the owner or operator shall determine EWW1<sub>ACTUAL</sub> according to paragraph (h)(6)(iii)(B) of this section rather than paragraph (h)(6)(iii)(A) of this section. If PR<sub>im</sub> is less than the value of F<sub>r,m</sub> given in table 7 of this subpart, emissions averaging shall not be used for this emission point.

(C) If the Group 1 wastewater stream i is controlled using a treatment process or series of treatment processes with an approved nominal reduction efficiency for an individually speciated hazardous air pollutant that is greater than that specified in table 7 of this subpart, and the vapor control device has an approved nominal efficiency greater than 95 percent, the following equation shall be used:

$$EWW1_{ACTUAL} = (6.0 \cdot 10^{-8}) Q_i H_i \sum_{m=1}^5 [Fe_m HAP_{im} (1 - PR_{im})] + \left(1 - \frac{\text{Nominal efficiency \%}}{100}\right) (6.0 \cdot 10^{-8}) Q_i H_i \sum_{m=1}^5 [$$

where all terms are as defined and determined in paragraphs (h)(6)(ii) and (h)(6)(iii)(A) of this section.

(iv) The following equation shall be used to calculate  $EW\text{W}2_{i\text{BASE}}$  for each Group 2 wastewater stream  $i$  that on November 15, 1990 was not correctly suppressed or was correctly suppressed but not treated:

$$EW\text{W}2_{i\text{BASE}} = (6.0 \times 10^{-8}) Q_i H_i \sum_{m=1}^s Fe_m HAP_{im}$$

Where:

$EW\text{W}2_{i\text{BASE}}$  = Monthly wastewater stream emission rate if wastewater stream  $i$  is not correctly suppressed, megagrams per month.

$Q_i$ ,  $H_i$ ,  $s$ ,  $Fe_m$ , and  $HAP_{im}$  are as defined and determined according to paragraphs (h)(6)(ii) and (h)(6)(iii)(A) of this section.

(v) The following equation shall be used to calculate  $EW\text{W}2_{i\text{BASE}}$  for each Group 2 wastewater stream  $i$  on November 15, 1990 was correctly suppressed.  $EW\text{W}2_{i\text{BASE}}$  shall be calculated as if the control methods being used on November 15, 1990 are in place and any control methods applied after November 15, 1990 are ignored. However, values for the parameters in the equation shall be representative of present production levels and stream properties.

$$EW\text{W}2_{i\text{BASE}} = (6.0 \times 10^{-8}) Q_i H_i \sum_{m=1}^s [Fe_m HAP_{im} (1 - PR_{im})] + \left(1 - \frac{R_i}{100\%}\right) (6.0 \times 10^{-8}) Q_i H_i \sum_{m=1}^s [HAP_{im} PR_{im}]$$

where  $R_i$  is calculated according to paragraph (h)(6)(vii) of this section and all other terms are as defined and determined according to paragraphs (h)(6)(ii) and (h)(6)(iii)(A) of this section.

(vi) For Group 2 wastewater streams that are correctly suppressed,  $EW\text{W}2_{i\text{ACTUAL}}$  shall be calculated according to the equation for  $EW\text{W}2_{i\text{BASE}}$  in paragraph (h)(6)(v) of this section.  $EW\text{W}2_{i\text{ACTUAL}}$  shall be calculated with all control methods in place accounted for.

(vii) The reduction efficiency,  $R_i$ , of the vapor control device shall be demonstrated according to the following procedures:

(A) Sampling sites shall be selected using Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate.

(B) The mass flow rate of organic compounds entering and exiting the control device shall be determined as follows:

( 1 ) The time period for the test shall not be less than 3 hours during which at least three runs are conducted.

( 2 ) A run shall consist of a 1-hour period during the test. For each run:

( i ) The volume exhausted shall be determined using Methods 2, 2A, 2C, or 2D of 40 CFR part 60 appendix A, as appropriate;

( ii ) The organic concentration in the vent stream entering and exiting the control device shall be determined using Method 18 of 40 CFR part 60, appendix A. Alternatively, any other test method validated according to the procedures in Method 301 of appendix A of this part may be used.

( 3 ) The mass flow rate of organic compounds entering and exiting the control device during each run shall be calculated as follows:

$$E_a = \frac{0.0416}{10^6 \times 3600} \left[ \sum_{p=1}^m V_{ap} \left( \sum_{i=1}^n C_{aip} MW_i \right) \right]$$

$$E_b = \frac{0.0416}{10^6 \times 3600} \left[ \sum_{p=1}^m V_{bp} \left( \sum_{i=1}^n C_{bip} MW_i \right) \right]$$

Where:

$E_a$ =Mass flow rate of organic compounds exiting the control device, kilograms per hour.

$E_b$ =Mass flow rate of organic compounds entering the control device, kilograms per hour.

$V_{ap}$ =Average volumetric flow rate of vent stream exiting the control device during run p at standards conditions, cubic meters per hour.

$V_{bp}$ = Average volumetric flow rate of vent stream entering the control device during run p at standards conditions, cubic meters per hour.

p = Run.

m = Number of runs.

$C_{aip}$ = Concentration of organic compound i measured in the vent stream exiting the control device during run p as determined by Method 18 of 40 CFR part 60 appendix A, parts per million by volume on a dry basis.

$C_{bip}$ = Concentration of organic compound i measured in the vent stream entering the control device during run p as determined by Method 18 of 40 CFR part 60, appendix A, parts per million by volume on a dry basis.

$MW_i$ = Molecular weight of organic compound i in the vent stream, kilograms per kilogram-mole.

n = Number of organic compounds in the vent stream.

0.0416 = Conversion factor for molar volume, kilograms-mole per cubic meter at 293 kelvin and 760 millimeters mercury absolute.

(C) The organic reduction efficiency for the control device shall be calculated as follows:

$$R = \frac{E_b - E_a}{E_b} \times 100$$

Where:

R = Total organic reduction efficiency for the control device, percentage.

E<sub>b</sub> = Mass flow rate of organic compounds entering the control device, kilograms per hour.

E<sub>a</sub> = Mass flow rate of organic compounds exiting the control device, kilograms per hour.

(i) The following procedures shall be followed to establish nominal efficiencies. The procedures in paragraphs (i)(1) through (i)(6) of this section shall be followed for control technologies that are different in use or design from the reference control technologies and achieve greater percentages of reduction than the percentages of efficiency assigned to the reference control technologies in §63.641.

(1) In those cases where the owner or operator is seeking permission to take credit for use of a control technology that is different in use or design from the reference control technology, and the different control technology will be used in more than three applications at a single plant site, the owner or operator shall submit the information specified in paragraphs (i)(1)(i) through (i)(1)(iv) of this section to the Administrator in writing:

(i) Emission stream characteristics of each emission point to which the control technology is or will be applied including the kind of emission point, flow, organic HAP concentration, and all other stream characteristics necessary to design the control technology or determine its performance;

(ii) Description of the control technology including design specifications;

(iii) Documentation demonstrating to the Administrator's satisfaction the control efficiency of the control technology. This may include performance test data collected using an appropriate EPA method or any other method validated according to Method 301 of appendix A of this part. If it is infeasible to obtain test data, documentation may include a design evaluation and calculations. The engineering basis of the calculation procedures and all inputs and assumptions made in the calculations shall be documented; and

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

(2) The Administrator shall determine within 120 calendar days whether an application presents sufficient information to determine nominal efficiency. The Administrator reserves the right to request specific data in addition to the items listed in paragraph (i)(1) of this section.

(3) The Administrator shall determine within 120 calendar days of the submittal of sufficient data whether a control technology shall have a nominal efficiency and the level of that nominal efficiency. If, in the Administrator's judgment, the control technology achieves a level of emission reduction greater than the reference control technology for a particular kind of emission point, the Administrator will publish a Federal Register notice establishing a nominal efficiency for the control technology.

(4) The Administrator may grant conditional permission to take emission credits for use of the control technology on requirements that may be necessary to ensure operation and maintenance to achieve the specified nominal efficiency.

(5) In those cases where the owner or operator is seeking permission to take credit for use of a control technology that is different in use or design from the reference control technology and the different control

technology will be used in no more than three applications at a single plant site, the information listed in paragraphs (i)(1)(i) through (i)(1)(iv) of this section can be submitted to the permitting authority for the source for approval instead of the Administrator.

(i) In these instances, use and conditions for use of the control technology can be approved by the permitting authority. The permitting authority shall follow the procedures specified in paragraphs (i)(2) through (i)(4) of this section except that, in these instances, a Federal Register notice is not required to establish the nominal efficiency for the different technology.

(ii) If, in reviewing the submittal, the permitting authority believes the control technology has broad applicability for use by other sources, the permitting authority shall submit the information provided in the application to the Director of the EPA Office of Air Quality Planning and Standards. The Administrator shall review the technology for broad applicability and may publish a Federal Register notice; however, this review shall not affect the permitting authority's approval of the nominal efficiency of the control technology for the specific application.

(6) If, in reviewing an application for a control technology for an emission point, the Administrator or permitting authority determines the control technology is not different in use or design from the reference control technology, the Administrator or permitting authority shall deny the application.

(j) The following procedures shall be used for calculating the efficiency (percentage of reduction) of pollution prevention measures:

(1) A pollution prevention measure is any practice that meets the criteria of paragraphs (j)(1)(i) and (j)(1)(ii) of this section.

(i) A pollution prevention measure is any practice that results in a lesser quantity of organic HAP emissions per unit of product released to the atmosphere prior to out-of-process recycling, treatment, or control of emissions while the same product is produced.

(ii) Pollution prevention measures may include: Substitution of feedstocks that reduce HAP emissions, alterations to the production process to reduce the volume of materials released to the environment, equipment modifications; housekeeping measures, and in-process recycling that returns waste materials directly to production as raw materials. Production cutbacks do not qualify as pollution prevention.

(2) The emission reduction efficiency of pollution prevention measures implemented after November 15, 1990 can be used in calculating the actual emissions from an emission point in the debit and credit equations in paragraphs (g) and (h) of this section.

(i) For pollution prevention measures, the percentage of reduction used in the equations in paragraphs (g)(2) and (g)(3) of this section and paragraphs (h)(2) through (h)(4) of this section is the difference in percentage between the monthly organic HAP emissions for each emission point after the pollution prevention measure for the most recent month versus monthly emissions from the same emission point before the pollution prevention measure, adjusted by the volume of product produced during the two monthly periods.

(ii) The following equation shall be used to calculate the percentage of reduction of a pollution prevention measure for each emission point.

$$\text{Percent reduction} = \frac{E_B \left( \frac{E_{PP} \times P_B}{P_{PP}} \right)}{E_B} \times 100\%$$

Where:

Percent reduction=Efficiency of pollution prevention measure (percentage of organic HAP reduction).

$E_B$ =Monthly emissions before the pollution prevention measure, megagrams per month, determined as specified in paragraphs (j)(2)(ii)(A), (j)(2)(ii)(B), and (j)(2)(ii)(C) of this section.

$E_{pp}$ =Monthly emissions after the pollution prevention measure, megagrams per month, as determined for the most recent month, determined as specified in paragraphs (j)(2)(ii)(D) or (j)(2)(ii)(E) of this section.

$P_B$ =Monthly production before the pollution prevention measure, megagrams per month, during the same period over which  $E_B$  is calculated.

$P_{pp}$ =Monthly production after the pollution prevention measure, megagrams per month, as determined for the most recent month.

(A) The monthly emissions before the pollution prevention measure,  $E_B$ , shall be determined in a manner consistent with the equations and procedures in paragraphs (g)(2), (g)(3), (g)(4), and (g)(5) of this section for miscellaneous process vents, storage vessels, gasoline loading racks, and marine tank vessels.

(B) For wastewater,  $E_B$  shall be calculated as follows:

$$E_B = \sum_{i=1}^n \left[ (6.0 \times 10^{-8}) Q_{Bi} H_{Bi} \sum_{m=1}^s Fe_m HAP_{Bim} \right]$$

where:

n=Number of wastewater streams.

$Q_{Bi}$ =Average flow rate for wastewater stream i before the pollution prevention measure, liters per minute.

$H_{Bi}$ =Number of hours per month that wastewater stream i was discharged before the pollution prevention measure, hours per month.

s=Total number of organic HAP's in wastewater stream i.

$Fe_m$ =Fraction emitted of organic HAP m in wastewater from table 7 of this subpart, dimensionless.

$HAP_{Bim}$ =Average concentration of organic HAP m in wastewater stream i, defined and determined according to paragraph (h)(6)(ii)(A)( 2 ) of this section, before the pollution prevention measure, parts per million by weight, as measured before the implementation of the pollution measure.

(C) If the pollution prevention measure was implemented prior to July 14, 1994, records may be used to determine  $E_B$ .

(D) The monthly emissions after the pollution prevention measure,  $E_{pp}$ , may be determined during a performance test or by a design evaluation and documented engineering calculations. Once an emissions-to-production ratio has been established, the ratio can be used to estimate monthly emissions from monthly production records.

(E) For wastewater,  $E_{pp}$  shall be calculated using the following equation:

$$E_{pp} = \sum_{i=1}^n \left[ (6.0 \times 10^{-8}) Q_{ppi} H_{ppi} \sum_{m=1}^s Fe_m HAP_{ppim} \right]$$

where  $n$ ,  $Q$ ,  $H$ ,  $s$ ,  $Fe_m$ , and  $HAP$  are defined and determined as described in paragraph (j)(2)(ii)(B) of this section except that  $Q_{ppi}$ ,  $H_{ppi}$ , and  $HAP_{ppim}$  shall be determined after the pollution prevention measure has been implemented.

(iii) All equations, calculations, test procedures, test results, and other information used to determine the percentage of reduction achieved by a pollution prevention measure for each emission point shall be fully documented.

(iv) The same pollution prevention measure may reduce emissions from multiple emission points. In such cases, the percentage of reduction in emissions for each emission point must be calculated.

(v) For the purposes of the equations in paragraphs (h)(2) through (h)(6) of this section used to calculate credits for emission points controlled more stringently than the reference control technology, the nominal efficiency of a pollution prevention measure is equivalent to the percentage of reduction of the pollution prevention measure. When a pollution prevention measure is used, the owner or operator of a source is not required to apply to the Administrator for a nominal efficiency and is not subject to paragraph (i) of this section.

(k) The owner or operator shall demonstrate that the emissions from the emission points proposed to be included in the average will not result in greater hazard or, at the option of the State or local permitting authority, greater risk to human health or the environment than if the emission points were controlled according to the provisions in §§63.643 through 63.647, and §§63.650 and 63.651.

(1) This demonstration of hazard or risk equivalency shall be made to the satisfaction of the State or local permitting authority.

(i) The State or local permitting authority may require owners and operators to use specific methodologies and procedures for making a hazard or risk determination.

(ii) The demonstration and approval of hazard or risk equivalency may be made according to any guidance that the EPA makes available for use.

(2) Owners and operators shall provide documentation demonstrating the hazard or risk equivalency of their proposed emissions average in their Implementation Plan.

(3) An emissions averaging plan that does not demonstrate an equivalent or lower hazard or risk to the satisfaction of the State or local permitting authority shall not be approved. The State or local permitting authority may require such adjustments to the emissions averaging plan as are necessary in order to ensure that the average will not result in greater hazard or risk to human health or the environment than would result if the emission points were controlled according to §§63.643 through 63.647, and §§63.650 and 63.651.

(4) A hazard or risk equivalency demonstration shall:

(i) Be a quantitative, bona fide chemical hazard or risk assessment;

(ii) Account for differences in chemical hazard or risk to human health or the environment; and

(iii) Meet any requirements set by the State or local permitting authority for such demonstrations.

(l) For periods of excess emissions, an owner or operator may request that the provisions of paragraphs (l)(1) through (l)(4) of this section be followed instead of the procedures in paragraphs (f)(3)(i) and (f)(3)(ii) of this section.

(1) The owner or operator shall notify the Administrator of excess emissions in the Periodic Reports as required in §63.655(g)(6).

(2) The owner or operator shall demonstrate that other types of monitoring data or engineering calculations are appropriate to establish that the control device for the emission point was operating in such a fashion to warrant assigning full or partial credits and debits. This demonstration shall be made to the Administrator's satisfaction, and the Administrator may establish procedures for demonstrating compliance that are acceptable.

(3) The owner or operator shall provide documentation of the period of excess emissions and the other type of monitoring data or engineering calculations to be used to demonstrate that the control device for the emission point was operating in such a fashion to warrant assigning full or partial credits and debits.

(4) The Administrator may assign full or partial credit and debits upon review of the information provided.

[60 FR 43260, Aug. 18, 1995; 60 FR 49976, Sept. 27, 1995; 61 FR 7051, Feb. 23, 1996, as amended at 61 FR 29881, June 12, 1996; 61 FR 33799, June 28, 1996; 74 FR 55686, Oct. 28, 2009]

#### **§ 63.653 Monitoring, recordkeeping, and implementation plan for emissions averaging.**

(a) For each emission point included in an emissions average, the owner or operator shall perform testing, monitoring, recordkeeping, and reporting equivalent to that required for Group 1 emission points complying with §§63.643 through 63.647, and §§63.650 and 63.651. The specific requirements for miscellaneous process vents, storage vessels, wastewater, gasoline loading racks, and marine tank vessels are identified in paragraphs (a)(1) through (a)(7) of this section.

(1) The source shall implement the following testing, monitoring, recordkeeping, and reporting procedures for each miscellaneous process vent equipped with a flare, incinerator, boiler, or process heater:

(i) Conduct initial performance tests to determine the percentage of reduction as specified in §63.645 of this subpart and §63.116 of subpart G; and

(ii) Monitor the operating parameters specified in §63.644, as appropriate for the specific control device.

(2) The source shall implement the following procedures for each miscellaneous process vent, equipped with a carbon adsorber, absorber, or condenser but not equipped with a control device:

(i) Determine the flow rate and organic HAP concentration using the methods specified in §63.115 (a)(1) and (a)(2), §63.115 (b)(1) and (b)(2), and §63.115(c)(3) of subpart G; and

(ii) Monitor the operating parameters specified in §63.114 of subpart G, as appropriate for the specific recovery device.

(3) The source shall implement the following procedures for each storage vessel controlled with an internal floating roof, external roof, or a closed vent system with a control device, as appropriate to the control technique:

(i) Perform the monitoring or inspection procedures in §63.646 of this subpart and §63.120 of subpart G; and

(ii) For closed vent systems with control devices, conduct an initial design evaluation as specified in §63.646 of this subpart and §63.120(d) of subpart G.

(4) For each gasoline loading rack that is controlled, perform the testing and monitoring procedures specified in §§63.425 and 63.427 of subpart R of this part except §63.425(d) or §63.427(c).

(5) For each marine tank vessel that is controlled, perform the compliance, monitoring, and performance testing, procedures specified in §§63.563, 63.564, and 63.565 of subpart Y of this part.

(6) The source shall implement the following procedures for wastewater emission points, as appropriate to the control techniques:

(i) For wastewater treatment processes, conduct tests as specified in §61.355 of subpart FF of part 60;

(ii) Conduct inspections and monitoring as specified in §§61.343 through 61.349 and §61.354 of 40 CFR part 61, subpart FF.

(7) If an emission point in an emissions average is controlled using a pollution prevention measure or a device or technique for which no monitoring parameters or inspection procedures are specified in §§63.643 through 63.647 and §§63.650 and 63.651, the owner or operator shall establish a site-specific monitoring parameter and shall submit the information specified in §63.655(h)(4) in the Implementation Plan.

(b) Records of all information required to calculate emission debits and credits and records required by §63.655 shall be retained for 5 years.

(c) Notifications of Compliance Status report, Periodic Reports, and other reports shall be submitted as required by §63.655.

(d) Each owner or operator of an existing source who elects to comply with §63.655(g) and (h) by using emissions averaging for any emission points shall submit an Implementation Plan.

(1) The Implementation Plan shall be submitted to the Administrator and approved prior to implementing emissions averaging. This information may be submitted in an operating permit application, in an amendment to an operating permit application, in a separate submittal, in a Notification of Compliance Status Report, in a Periodic Report or in any combination of these documents. If an owner or operator submits the information specified in paragraph (d)(2) of this section at different times, and/or in different submittals, later submittals may refer to earlier submittals instead of duplicating the previously submitted information.

(2) The Implementation Plan shall include the information specified in paragraphs (d)(2)(i) through (d)(2)(ix) of this section for all points included in the average.

(i) The identification of all emission points in the planned emissions average and notation of whether each emission point is a Group 1 or Group 2 emission point as defined in §63.641.

(ii) The projected annual emission debits and credits for each emission point and the sum for the emission points involved in the average calculated according to §63.652. The annual projected credits must be greater than the projected debits, as required under §63.652(e)(3).

(iii) The specific control technology or pollution prevention measure that will be used for each emission point included in the average and date of application or expected date of application.

(iv) The specific identification of each emission point affected by a pollution prevention measure. To be considered a pollution prevention measure, the criteria in §63.652(j)(1) must be met. If the same pollution

prevention measure reduces or eliminates emissions from multiple emission points in the average, the owner or operator must identify each of these emission points.

(v) A statement that the compliance demonstration, monitoring, inspection, recordkeeping, and reporting provisions in paragraphs (a), (b), and (c) of this section that are applicable to each emission point in the emissions average will be implemented beginning on the date of compliance.

(vi) Documentation of the information listed in paragraphs (d)(2)(vi)(A) through (d)(2)(vi)(D) of this section for each emission point included in the average.

(A) The values of the parameters used to determine whether each emission point in the emissions average is Group 1 or Group 2.

(B) The estimated values of all parameters needed for input to the emission debit and credit calculations in §63.652 (g) and (h). These parameter values or, as appropriate, limited ranges for the parameter values, shall be specified in the source's Implementation Plan as enforceable operating conditions. Changes to these parameters must be reported in the next Periodic Report.

(C) The estimated percentage of reduction if a control technology achieving a lower percentage of reduction than the efficiency of the reference control technology, as defined in §63.641, is or will be applied to the emission point.

(D) The anticipated nominal efficiency if a control technology achieving a greater percentage emission reduction than the efficiency of the reference control technology is or will be applied to the emission point. The procedures in §63.652(i) shall be followed to apply for a nominal efficiency.

(vii) The information specified in §63.655(h)(4) for:

(A) Each miscellaneous process vent controlled by a pollution prevention measure or control technique for which monitoring parameters or inspection procedures are not specified in paragraphs (a)(1) or (a)(2) of this section; and

(B) Each storage vessel controlled by a pollution prevention measure or a control technique other than an internal or external floating roof or a closed vent system with a control device.

(viii) Documentation of the information listed in paragraphs (d)(2)(viii)(A) through (d)(2)(viii)(G) of this section for each process wastewater stream included in the average.

(A) The information used to determine whether the wastewater stream is a Group 1 or Group 2 wastewater stream.

(B) The estimated values of all parameters needed for input to the wastewater emission credit and debit calculations in §63.652(h)(6).

(C) The estimated percentage of reduction if the wastewater stream is or will be controlled using a treatment process or series of treatment processes that achieves an emission reduction less than or equal to the emission reduction specified in table 7 of this subpart.

(D) The estimated percentage of reduction if a control technology achieving less than or equal to 95 percent emission reduction is or will be applied to the vapor stream(s) vented and collected from the treatment processes.

(E) The estimated percentage of reduction if a pollution prevention measure is or will be applied.

(F) The anticipated nominal efficiency if the owner or operator plans to apply for a nominal efficiency under §63.652(i). A nominal efficiency shall be applied for if:

( 1 ) A control technology is or will be applied to the wastewater stream and achieves an emission reduction greater than the emission reduction specified in table 7 of this subpart; or

( 2 ) A control technology achieving greater than 95 percent emission reduction is or will be applied to the vapor stream(s) vented and collected from the treatment processes.

(G) For each pollution prevention measure, treatment process, or control device used to reduce air emissions of organic HAP from wastewater and for which no monitoring parameters or inspection procedures are specified in §63.647, the information specified in §63.655(h)(4) shall be included in the Implementation Plan.

(ix) Documentation required in §63.652(k) demonstrating the hazard or risk equivalency of the proposed emissions average.

(3) The Administrator shall determine within 120 calendar days whether the Implementation Plan submitted presents sufficient information. The Administrator shall either approve the Implementation Plan, request changes, or request that the owner or operator submit additional information. Once the Administrator receives sufficient information, the Administrator shall approve, disapprove, or request changes to the plan within 120 calendar days.

[60 FR 43260, Aug. 18, 1995, as amended at 61 FR 29881, June 12, 1996; 63 FR 31361, June 9, 1998; 74 FR 55686, Oct. 28, 2009]

#### **§ 63.654 Heat exchange systems.**

(a) Except as specified in paragraph (b) of this section, the owner or operator of a heat exchange system that meets the criteria in §63.640(c)(8) must comply with the requirements of paragraphs (c) through (g) of this section.

(b) A heat exchange system is exempt from the requirements in paragraphs (c) through (g) of this section if it meets any one of the criteria in paragraphs (b)(1) through (2) of this section.

(1) All heat exchangers that are in organic HAP service within the heat exchange system that either:

(i) Operate with the minimum pressure on the cooling water side at least 35 kilopascals greater than the maximum pressure on the process side; or

(ii) Employ an intervening cooling fluid, containing less than 5 percent by weight of total HAP listed in Table 1 to this subpart, between the process and the cooling water. This intervening fluid must serve to isolate the cooling water from the process fluid and must not be sent through a cooling tower or discharged. For purposes of this section, discharge does not include emptying for maintenance purposes.

(2) The heat exchange system cools process fluids that contain less than 5 percent by weight of total HAP listed in Table 1 to this subpart (i.e., the heat exchange system does not contain any heat exchangers that are in organic HAP service as defined in this subpart).

(c) The owner or operator must perform monthly monitoring to identify leaks of total strippable volatile organic compound (VOC) from each heat exchange system subject to the requirements of this subpart according to the procedures in paragraphs (c)(1) and (2) of this section.

(1) Collect and analyze a sample from each cooling tower return line prior to exposure to air for each heat exchange system in organic HAP service or from each heat exchanger exit line for each heat exchanger or

group of heat exchangers in organic HAP service within that heat exchange system to determine the total strippable VOC concentration (as methane) from the air stripping testing system using "Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources" Revision Number One, dated January 2003, Sampling Procedures Manual, Appendix P: Cooling Tower Monitoring, prepared by Texas Commission on Environmental Quality, January 31, 2003 (incorporated by reference—see §63.14). The owner or operator of a once-through heat exchange system may elect to also monitor monthly (in addition to monitoring each heat exchanger exit line) the fresh water feed line prior to any heat exchanger to determine the total strippable VOC concentration (as methane) prior to the heat exchange system using the Modified El Paso Method.

(2) For a heat exchange system at an existing source, a leak is a total strippable VOC concentration (as methane) in the stripping gas of 6.2 ppmv or greater. For a heat exchange system at a new source, a leak is a total strippable VOC concentration (as methane) in the stripping gas of 3.1 ppmv or greater.

(d) If a leak is detected, the owner or operator must repair the leak to reduce the measured concentration to below the applicable action level as soon as practicable, but no later than 45 days after identifying the leak, except as specified in paragraphs (e) and (f) of this section. Actions that can be taken to achieve repair include but are not limited to:

(1) Physical modifications to the leaking heat exchanger, such as welding the leak or replacing a tube;

(2) Blocking the leaking tube within the heat exchanger;

(3) Changing the pressure so that water flows into the process fluid;

(4) Replacing the heat exchanger or heat exchanger bundle; or

(5) Isolating, bypassing, or otherwise removing the leaking heat exchanger from service until it is otherwise repaired.

(e) If the owner or operator detects a leak when monitoring a cooling tower return line under paragraph (c)(1) of this section, the owner or operator may conduct additional monitoring to identify leaks of total strippable VOC emissions using Modified El Paso Method from each heat exchanger or group of heat exchangers in organic HAP service associated with the heat exchange system for which the leak was detected. If the additional monitoring shows that the total strippable VOC concentration in the stripped air at the heat exchanger exit line for each heat exchanger in organic HAP service is less than 6.2 ppmv for existing sources or less than 3.1 ppmv for new sources, the heat exchange system is excluded from repair requirements in paragraph (d) of this section.

(f) The owner or operator may delay the repair of a leaking heat exchanger when one of the conditions in paragraphs (f)(1) through (3) of this section is met. The owner or operator must determine if a delay of repair is necessary as soon as practicable, but no later than 45 days after first identifying the leak.

(1) If the repair is technically infeasible without a shutdown and the total strippable VOC concentration (as methane) is initially and remains less than 62 ppmv for all monthly monitoring periods during the delay of repair, the owner or operator may delay repair until the next scheduled shutdown of the heat exchange system. If, during subsequent monthly monitoring, the total strippable VOC concentration (as methane) is 62 ppmv or greater, the owner or operator must repair the leak within 30 days of the monitoring event in which the leak was equal to or exceeded 62 ppmv total strippable VOC (as methane), except as provided in paragraph (f)(3) of this section.

(2) If the necessary equipment, parts, or personnel are not available and the total strippable VOC concentration (as methane) is initially and remains less than 62 ppmv for all monthly monitoring periods during the delay of repair, the owner or operator may delay the repair for a maximum of 120 calendar days. The owner or operator must demonstrate that the necessary equipment, parts, or personnel were not available. If, during subsequent monthly monitoring, the total strippable VOC concentration (as methane) is

62 ppmv or greater, the owner or operator must repair the leak within 30 days of the monitoring event in which the leak was equal to or exceeded 62 ppmv total strippable VOC (as methane).

(g) To delay the repair under paragraph (f) of this section, the owner or operator must record the information in paragraphs (g)(1) through (g)(4) of this section.

(1) The reason(s) for delaying repair.

(2) A schedule for completing the repair as soon as practical.

(3) The date and concentration of the leak as first identified and the results of all subsequent monthly monitoring events during the delay of repair.

(4) An estimate of the potential emissions from the leaking heat exchange system or heat exchanger following the procedures in paragraphs (g)(4)(i) and (g)(4)(ii) of this section.

(i) Determine the total strippable VOC concentration in the cooling water, in parts per million by weight (ppmw), using equation 7–1 from “Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources” Revision Number One, dated January 2003, Sampling Procedures Manual, Appendix P: Cooling Tower Monitoring, prepared by Texas Commission on Environmental Quality, January 31, 2003 (incorporated by reference—see §63.14), based on the total strippable concentration in the stripped air, ppmv, from monitoring.

(ii) Calculate the VOC emissions for the leaking heat exchange system or heat exchanger by multiplying the VOC concentration in the cooling water, ppmw, by the flow rate of the cooling water from the leaking tower or heat exchanger and by the expected duration of the delay.

[74 FR 55687, Oct. 28, 2009]

### **§ 63.655 Reporting and recordkeeping requirements.**

(a) Each owner or operator subject to the wastewater provisions in §63.647 shall comply with the recordkeeping and reporting provisions in §§61.356 and 61.357 of 40 CFR part 61, subpart FF unless they are complying with the wastewater provisions specified in paragraph (o)(2)(ii) of §63.640. There are no additional reporting and recordkeeping requirements for wastewater under this subpart unless a wastewater stream is included in an emissions average. Recordkeeping and reporting for emissions averages are specified in §63.653 and in paragraphs (f)(5) and (g)(8) of this section.

(b) Each owner or operator subject to the gasoline loading rack provisions in §63.650 shall comply with the recordkeeping and reporting provisions in §63.428 (b) and (c), (g)(1), (h)(1) through (h)(3), and (k) of subpart R. These requirements are summarized in table 4 of this subpart. There are no additional reporting and recordkeeping requirements for gasoline loading racks under this subpart unless a loading rack is included in an emissions average. Recordkeeping and reporting for emissions averages are specified in §63.653 and in paragraphs (f)(5) and (g)(8) of this section.

(c) Each owner or operator subject to the marine tank vessel loading operation standards in §63.651 shall comply with the recordkeeping and reporting provisions in §63.567(a) and §63.567(c) through (k) of subpart Y. These requirements are summarized in table 5 of this subpart. There are no additional reporting and recordkeeping requirements for marine tank vessel loading operations under this subpart unless marine tank vessel loading operations are included in an emissions average. Recordkeeping and reporting for emissions averages are specified in §63.653 and in paragraphs (f)(5) and (g)(8) of this section.

(d) Each owner or operator subject to the equipment leaks standards in §63.648 shall comply with the recordkeeping and reporting provisions in paragraphs (d)(1) through (d)(6) of this section.

(1) Sections 60.486 and 60.487 of subpart VV of part 60 except as specified in paragraph (d)(1)(i) of this section; or §§63.181 and 63.182 of subpart H of this part except for §§63.182(b), (c)(2), and (c)(4).

(i) The signature of the owner or operator (or designate) whose decision it was that a repair could not be effected without a process shutdown is not required to be recorded. Instead, the name of the person whose decision it was that a repair could not be effected without a process shutdown shall be recorded and retained for 2 years.

(ii) [Reserved]

(2) The Notification of Compliance Status report required by §63.182(c) of subpart H and the initial semiannual report required by §60.487(b) of 40 CFR part 60, subpart VV shall be submitted within 150 days of the compliance date specified in §63.640(h); the requirements of subpart H of this part are summarized in table 3 of this subpart.

(3) An owner or operator who determines that a compressor qualifies for the hydrogen service exemption in §63.648 shall also keep a record of the demonstration required by §63.648.

(4) An owner or operator must keep a list of identification numbers for valves that are designated as leakless per §63.648(c)(10).

(5) An owner or operator must identify, either by list or location (area or refining process unit), equipment in organic HAP service less than 300 hours per year within refining process units subject to this subpart.

(6) An owner or operator must keep a list of reciprocating pumps and compressors determined to be exempt from seal requirements as per §§63.648 (f) and (i).

(e) Each owner or operator of a source subject to this subpart shall submit the reports listed in paragraphs (e)(1) through (e)(3) of this section except as provided in paragraph (h)(5) of this section, and shall keep records as described in paragraph (i) of this section.

(1) A Notification of Compliance Status report as described in paragraph (f) of this section;

(2) Periodic Reports as described in paragraph (g) of this section; and

(3) Other reports as described in paragraph (h) of this section.

(f) Each owner or operator of a source subject to this subpart shall submit a Notification of Compliance Status report within 150 days after the compliance dates specified in §63.640(h) with the exception of Notification of Compliance Status reports submitted to comply with §63.640(l)(3) and for storage vessels subject to the compliance schedule specified in §63.640(h)(4). Notification of Compliance Status reports required by §63.640(l)(3) and for storage vessels subject to the compliance dates specified in §63.640(h)(4) shall be submitted according to paragraph (f)(6) of this section. This information may be submitted in an operating permit application, in an amendment to an operating permit application, in a separate submittal, or in any combination of the three. If the required information has been submitted before the date 150 days after the compliance date specified in §63.640(h), a separate Notification of Compliance Status report is not required within 150 days after the compliance dates specified in §63.640(h). If an owner or operator submits the information specified in paragraphs (f)(1) through (f)(5) of this section at different times, and/or in different submittals, later submittals may refer to earlier submittals instead of duplicating and resubmitting the previously submitted information. Each owner or operator of a gasoline loading rack classified under Standard Industrial Classification Code 2911 located within a contiguous area and under common control with a petroleum refinery subject to the standards of this subpart shall submit the Notification of Compliance Status report required by subpart R of this part within 150 days after the compliance dates specified in §63.640(h) of this subpart.

(1) The Notification of Compliance Status report shall include the information specified in paragraphs (f)(1)(i) through (f)(1)(vi) of this section.

(i) For storage vessels, this report shall include the information specified in paragraphs (f)(1)(i)(A) through (f)(1)(i)(D) of this section.

(A) Identification of each storage vessel subject to this subpart, and for each Group 1 storage vessel subject to this subpart, the information specified in paragraphs (f)(1)(i)(A)( 1 ) through (f)(1)(i)(A)( 3 ) of this section. This information is to be revised each time a Notification of Compliance Status report is submitted for a storage vessel subject to the compliance schedule specified in §63.640(h)(4) or to comply with §63.640(l)(3).

( 1 ) For each Group 1 storage vessel complying with §63.646 that is not included in an emissions average, the method of compliance (i.e., internal floating roof, external floating roof, or closed vent system and control device).

( 2 ) For storage vessels subject to the compliance schedule specified in §63.640(h)(4) that are not complying with §63.646, the anticipated compliance date.

( 3 ) For storage vessels subject to the compliance schedule specified in §63.640(h)(4) that are complying with §63.646 and the Group 1 storage vessels described in §63.640(l), the actual compliance date.

(B) If a closed vent system and a control device other than a flare is used to comply with §63.646 the owner or operator shall submit:

( 1 ) A description of the parameter or parameters to be monitored to ensure that the control device is being properly operated and maintained, an explanation of the criteria used for selection of that parameter (or parameters), and the frequency with which monitoring will be performed; and either

( 2 ) The design evaluation documentation specified in §63.120(d)(1)(i) of subpart G, if the owner or operator elects to prepare a design evaluation; or

( 3 ) If the owner or operator elects to submit the results of a performance test, identification of the storage vessel and control device for which the performance test will be submitted, and identification of the emission point(s) that share the control device with the storage vessel and for which the performance test will be conducted.

(C) If a closed vent system and control device other than a flare is used, the owner or operator shall submit:

( 1 ) The operating range for each monitoring parameter. The specified operating range shall represent the conditions for which the control device is being properly operated and maintained.

( 2 ) If a performance test is conducted instead of a design evaluation, results of the performance test demonstrating that the control device achieves greater than or equal to the required control efficiency. A performance test conducted prior to the compliance date of this subpart can be used to comply with this requirement, provided that the test was conducted using EPA methods and that the test conditions are representative of current operating practices.

(D) If a closed vent system and a flare is used, the owner or operator shall submit:

( 1 ) Flare design (e.g., steam-assisted, air-assisted, or nonassisted);

( 2 ) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by §63.120(e) of subpart G of this part; and

( 3 ) All periods during the compliance determination when the pilot flame is absent.

(ii) For miscellaneous process vents, identification of each miscellaneous process vent subject to this subpart, whether the process vent is Group 1 or Group 2, and the method of compliance for each Group 1 miscellaneous process vent that is not included in an emissions average (e.g., use of a flare or other control device meeting the requirements of §63.643(a)).

(iii) For miscellaneous process vents controlled by control devices required to be tested under §63.645 of this subpart and §63.116(c) of subpart G of this part, performance test results including the information in paragraphs (f)(1)(iii)(A) and (B) of this section. Results of a performance test conducted prior to the compliance date of this subpart can be used provided that the test was conducted using the methods specified in §63.645 and that the test conditions are representative of current operating conditions.

(A) The percentage of reduction of organic HAP's or TOC, or the outlet concentration of organic HAP's or TOC (parts per million by volume on a dry basis corrected to 3 percent oxygen), determined as specified in §63.116(c) of subpart G of this part; and

(B) The value of the monitored parameters specified in table 10 of this subpart, or a site-specific parameter approved by the permitting authority, averaged over the full period of the performance test,

(iv) For miscellaneous process vents controlled by flares, performance test results including the information in paragraphs (f)(1)(iv)(A) and (B) of this section;

(A) All visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the compliance determination required by §63.645 of this subpart and §63.116(a) of subpart G of this part, and

(B) A statement of whether a flame was present at the pilot light over the full period of the compliance determination.

(v) For equipment leaks complying with §63.648(c) (i.e., complying with the requirements of subpart H of this part), the Notification of Compliance Report Status report information required by §63.182(c) of subpart H and whether the percentage of leaking valves will be reported on a process unit basis or a sourcewide basis.

(vi) For each heat exchange system, identification of the heat exchange systems that are subject to the requirements of this subpart.

(2) If initial performance tests are required by §§63.643 through 63.653 of this subpart, the Notification of Compliance Status report shall include one complete test report for each test method used for a particular source.

(i) For additional tests performed using the same method, the results specified in paragraph (f)(1) of this section shall be submitted, but a complete test report is not required.

(ii) A complete test report shall include a sampling site description, description of sampling and analysis procedures and any modifications to standard procedures, quality assurance procedures, record of operating conditions during the test, record of preparation of standards, record of calibrations, raw data sheets for field sampling, raw data sheets for field and laboratory analyses, documentation of calculations, and any other information required by the test method.

(iii) Performance tests are required only if specified by §§63.643 through 63.653 of this subpart. Initial performance tests are required for some kinds of emission points and controls. Periodic testing of the same emission point is not required.

(3) For each monitored parameter for which a range is required to be established under §63.120(d) of subpart G of this part for storage vessels or §63.644 for miscellaneous process vents, the Notification of Compliance Status report shall include the information in paragraphs (f)(3)(i) through (f)(3)(iii) of this section.

(i) The specific range of the monitored parameter(s) for each emission point;

(ii) The rationale for the specific range for each parameter for each emission point, including any data and calculations used to develop the range and a description of why the range ensures compliance with the emission standard.

(A) If a performance test is required by this subpart for a control device, the range shall be based on the parameter values measured during the performance test supplemented by engineering assessments and manufacturer's recommendations. Performance testing is not required to be conducted over the entire range of permitted parameter values.

(B) If a performance test is not required by this subpart for a control device, the range may be based solely on engineering assessments and manufacturers' recommendations.

(iii) A definition of the source's operating day for purposes of determining daily average values of monitored parameters. The definition shall specify the times at which an operating day begins and ends.

(4) Results of any continuous monitoring system performance evaluations shall be included in the Notification of Compliance Status report.

(5) For emission points included in an emissions average, the Notification of Compliance Status report shall include the values of the parameters needed for input to the emission credit and debit equations in §63.652(g) and (h), calculated or measured according to the procedures in §63.652(g) and (h), and the resulting credits and debits for the first quarter of the year. The first quarter begins on the compliance date specified in §63.640.

(6) Notification of Compliance Status reports required by §63.640(l)(3) and for storage vessels subject to the compliance dates specified in §63.640(h)(4) shall be submitted no later than 60 days after the end of the 6-month period during which the change or addition was made that resulted in the Group 1 emission point or the existing Group 1 storage vessel was brought into compliance, and may be combined with the periodic report. Six-month periods shall be the same 6-month periods specified in paragraph (g) of this section. The Notification of Compliance Status report shall include the information specified in paragraphs (f)(1) through (f)(5) of this section. This information may be submitted in an operating permit application, in an amendment to an operating permit application, in a separate submittal, as part of the periodic report, or in any combination of these four. If the required information has been submitted before the date 60 days after the end of the 6-month period in which the addition of the Group 1 emission point took place, a separate Notification of Compliance Status report is not required within 60 days after the end of the 6-month period. If an owner or operator submits the information specified in paragraphs (f)(1) through (f)(5) of this section at different times, and/or in different submittals, later submittals may refer to earlier submittals instead of duplicating and resubmitting the previously submitted information.

(g) The owner or operator of a source subject to this subpart shall submit Periodic Reports no later than 60 days after the end of each 6-month period when any of the compliance exceptions specified in paragraphs (g)(1) through (6) of this section or paragraph (g)(9) of this section occur. The first 6-month period shall begin on the date the Notification of Compliance Status report is required to be submitted. A Periodic Report is not required if none of the compliance exceptions identified in paragraph (g)(1) through (6) of this section or paragraph (g)(9) of this section occurred during the 6-month period unless emissions averaging is utilized. Quarterly reports must be submitted for emission points included in emission averages, as provided in paragraph (g)(8) of this section. An owner or operator may submit reports required by other regulations in place of or as part of the Periodic Report required by this paragraph if the reports contain the information required by paragraphs (g)(1) through (9) of this section.

(1) For storage vessels, Periodic Reports shall include the information specified for Periodic Reports in paragraph (g)(2) through (g)(5) of this section except that information related to gaskets, slotted membranes, and sleeve seals is not required for storage vessels that are part of an existing source.

(2) An owner or operator who elects to comply with §63.646 by using a fixed roof and an internal floating roof or by using an external floating roof converted to an internal floating roof shall submit the results of each inspection conducted in accordance with §63.120(a) of subpart G of this part in which a failure is detected in the control equipment.

(i) For vessels for which annual inspections are required under §63.120(a)(2)(i) or (a)(3)(ii) of subpart G of this part, the specifications and requirements listed in paragraphs (g)(2)(i)(A) through (g)(2)(i)(C) of this section apply.

(A) A failure is defined as any time in which the internal floating roof is not resting on the surface of the liquid inside the storage vessel and is not resting on the leg supports; or there is liquid on the floating roof; or the seal is detached from the internal floating roof; or there are holes, tears, or other openings in the seal or seal fabric; or there are visible gaps between the seal and the wall of the storage vessel.

(B) Except as provided in paragraph (g)(2)(i)(C) of this section, each Periodic Report shall include the date of the inspection, identification of each storage vessel in which a failure was detected, and a description of the failure. The Periodic Report shall also describe the nature of and date the repair was made or the date the storage vessel was emptied.

(C) If an extension is utilized in accordance with §63.120(a)(4) of subpart G of this part, the owner or operator shall, in the next Periodic Report, identify the vessel; include the documentation specified in §63.120(a)(4) of subpart G of this part; and describe the date the storage vessel was emptied and the nature of and date the repair was made.

(ii) For vessels for which inspections are required under §63.120(a)(2)(ii), (a)(3)(i), or (a)(3)(iii) of subpart G of this part (i.e., internal inspections), the specifications and requirements listed in paragraphs (g)(2)(ii)(A) and (g)(2)(ii)(B) of this section apply.

(A) A failure is defined as any time in which the internal floating roof has defects; or the primary seal has holes, tears, or other openings in the seal or the seal fabric; or the secondary seal (if one has been installed) has holes, tears, or other openings in the seal or the seal fabric; or, for a storage vessel that is part of a new source, the gaskets no longer close off the liquid surface from the atmosphere; or, for a storage vessel that is part of a new source, the slotted membrane has more than a 10 percent open area.

(B) Each Periodic Report shall include the date of the inspection, identification of each storage vessel in which a failure was detected, and a description of the failure. The Periodic Report shall also describe the nature of and date the repair was made.

(3) An owner or operator who elects to comply with §63.646 by using an external floating roof shall meet the periodic reporting requirements specified in paragraphs (g)(3)(i) through (g)(3)(iii) of this section.

(i) The owner or operator shall submit, as part of the Periodic Report, documentation of the results of each seal gap measurement made in accordance with §63.120(b) of subpart G of this part in which the seal and seal gap requirements of §63.120(b)(3), (b)(4), (b)(5), or (b)(6) of subpart G of this part are not met. This documentation shall include the information specified in paragraphs (g)(3)(i)(A) through (g)(3)(i)(D) of this section.

(A) The date of the seal gap measurement.

(B) The raw data obtained in the seal gap measurement and the calculations described in §63.120(b)(3) and (b)(4) of subpart G of this part.

(C) A description of any seal condition specified in §63.120(b)(5) or (b)(6) of subpart G of this part that is not met.

(D) A description of the nature of and date the repair was made, or the date the storage vessel was emptied.

(ii) If an extension is utilized in accordance with §63.120(b)(7)(ii) or (b)(8) of subpart G of this part, the owner or operator shall, in the next Periodic Report, identify the vessel; include the documentation specified in §63.120(b)(7)(ii) or (b)(8) of subpart G of this part, as applicable; and describe the date the vessel was emptied and the nature of and date the repair was made.

(iii) The owner or operator shall submit, as part of the Periodic Report, documentation of any failures that are identified during visual inspections required by §63.120(b)(10) of subpart G of this part. This documentation shall meet the specifications and requirements in paragraphs (g)(3)(iii)(A) and (g)(3)(iii)(B) of this section.

(A) A failure is defined as any time in which the external floating roof has defects; or the primary seal has holes 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, for a storage vessel that is part of a new source, the gaskets no longer close off the liquid surface from the atmosphere; or, for a storage vessel that is part of a new source, the slotted membrane has more than 10 percent open area.

(B) Each Periodic Report shall include the date of the inspection, identification of each storage vessel in which a failure was detected, and a description of the failure. The Periodic Report shall also describe the nature of and date the repair was made.

(4) An owner or operator who elects to comply with §63.646 by using an external floating roof converted to an internal floating roof shall comply with the periodic reporting requirements of paragraph (g)(2) of this section.

(5) An owner or operator who elects to comply with §63.646 by installing a closed vent system and control device shall submit, as part of the next Periodic Report, the information specified in paragraphs (g)(5)(i) through (g)(5)(iii) of this section.

(i) The Periodic Report shall include the information specified in paragraphs (g)(5)(i)(A) and (g)(5)(i)(B) of this section for those planned routine maintenance operations that would require the control device not to meet the requirements of §63.119(e)(1) or (e)(2) of subpart G of this part, as applicable.

(A) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next 6 months. This description shall include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

(B) A description of the planned routine maintenance that was performed for the control device during the previous 6 months. This description shall include the type of maintenance performed and the total number of hours during those 6 months that the control device did not meet the requirements of §63.119 (e)(1) or (e)(2) of subpart G of this part, as applicable, due to planned routine maintenance.

(ii) If a control device other than a flare is used, the Periodic Report shall describe each occurrence when the monitored parameters were outside of the parameter ranges documented in the Notification of Compliance Status report. The description shall include: Identification of the control device for which the measured parameters were outside of the established ranges, and causes for the measured parameters to be outside of the established ranges.

(iii) If a flare is used, the Periodic Report shall describe each occurrence when the flare does not meet the general control device requirements specified in §63.11(b) of subpart A of this part and shall include: Identification of the flare that does not meet the general requirements specified in §63.11(b) of subpart A of this part, and reasons the flare did not meet the general requirements specified in §63.11(b) of subpart A of this part.

(6) For miscellaneous process vents for which continuous parameter monitors are required by this subpart, periods of excess emissions shall be identified in the Periodic Reports and shall be used to determine compliance with the emission standards.

(i) Period of excess emission means any of the following conditions:

(A) An operating day when the daily average value of a monitored parameter, except presence of a flare pilot flame, is outside the range specified in the Notification of Compliance Status report. Monitoring data recorded during periods of monitoring system breakdown, repairs, calibration checks and zero (low-level) and high-level adjustments shall not be used in computing daily average values of monitored parameters.

(B) An operating day when all pilot flames of a flare are absent.

(C) An operating day when monitoring data required to be recorded in paragraphs (i)(3) (i) and (ii) of this section are available for less than 75 percent of the operating hours.

(D) For data compression systems approved under paragraph (h)(5)(iii) of this section, an operating day when the monitor operated for less than 75 percent of the operating hours or a day when less than 18 monitoring values were recorded.

(ii) For miscellaneous process vents, excess emissions shall be reported for the operating parameters specified in table 10 of this subpart unless other site-specific parameter(s) have been approved by the operating permit authority.

(iii) Periods of startup and shutdown that meet the definition of §63.641, and malfunction that meet the definition in §63.2 and periods of performance testing and monitoring system calibration shall not be considered periods of excess emissions. Malfunctions may include process unit, control device, or monitoring system malfunctions.

(7) If a performance test for determination of compliance for a new emission point subject to this subpart or for an emission point that has changed from Group 2 to Group 1 is conducted during the period covered by a Periodic Report, the results of the performance test shall be included in the Periodic Report.

(i) Results of the performance test shall include the percentage of emissions reduction or outlet pollutant concentration reduction (whichever is needed to determine compliance) and the values of the monitored operating parameters.

(ii) The complete test report shall be maintained onsite.

(8) The owner or operator of a source shall submit quarterly reports for all emission points included in an emissions average.

(i) The quarterly reports shall be submitted no later than 60 calendar days after the end of each quarter. The first report shall be submitted with the Notification of Compliance Status report no later than 150 days after the compliance date specified in §63.640.

(ii) The quarterly reports shall include:

(A) The information specified in this paragraph and in paragraphs (g)(2) through (g)(7) of this section for all storage vessels and miscellaneous process vents included in an emissions average;

(B) The information required to be reported by §63.428 (h)(1), (h)(2), and (h)(3) for each gasoline loading rack included in an emissions average, unless this information has already been submitted in a separate report;

- (C) The information required to be reported by §63.567(e)(4) and (j)(3) of subpart Y for each marine tank vessel loading operation included in an emissions average, unless the information has already been submitted in a separate report;
- (D) Any information pertaining to each wastewater stream included in an emissions average that the source is required to report under the Implementation Plan for the source;
- (E) The credits and debits calculated each month during the quarter;
- (F) A demonstration that debits calculated for the quarter are not more than 1.30 times the credits calculated for the quarter, as required under §§63.652(e)(4);
- (G) The values of any inputs to the credit and debit equations in §63.652 (g) and (h) that change from month to month during the quarter or that have changed since the previous quarter; and
- (H) Any other information the source is required to report under the Implementation Plan for the source.
- (iii) Every fourth quarterly report shall include the following:
- (A) A demonstration that annual credits are greater than or equal to annual debits as required by §63.652(e)(3); and
- (B) A certification of compliance with all the emissions averaging provisions in §63.652 of this subpart.
- (9) For heat exchange systems, Periodic Reports must include the following information:
- (i) The number of heat exchange systems in HAP service.
- (ii) The number of heat exchange systems in HAP service found to be leaking.
- (iii) A summary of the monitoring data that indicate a leak, including the number of leaks determined to be equal to or greater than the leak definitions specified in §63.654(c)(2);
- (iv) If applicable, the date a leak was identified, the date the source of the leak was identified, and the date of repair;
- (v) If applicable, a summary of each delayed repair, including the original date and reason for the delay and the date of repair, if repaired during the reporting period; and
- (vi) If applicable, an estimate of VOC emissions for each delayed repair over the reporting period.
- (h) Other reports shall be submitted as specified in subpart A of this part and as follows:
- (1) Reports of startup, shutdown, and malfunction required by §63.10(d)(5). Records and reports of startup, shutdown, and malfunction are not required if they pertain solely to Group 2 emission points, as defined in §63.641, that are not included in an emissions average. For purposes of this paragraph, startup and shutdown shall have the meaning defined in §63.641, and malfunction shall have the meaning defined in §63.2; and
- (2) For storage vessels, notifications of inspections as specified in paragraphs (h)(2)(i) and (h)(2)(ii) of this section;

(i) In order to afford the Administrator the opportunity to have an observer present, the owner or operator shall notify the Administrator of the refilling of each Group 1 storage vessel that has been emptied and degassed.

(A) Except as provided in paragraphs (h)(2)(i) (B) and (C) of this section, the owner or operator shall notify the Administrator in writing at least 30 calendar days prior to filling or refilling of each storage vessel with organic HAP's to afford the Administrator the opportunity to inspect the storage vessel prior to refilling.

(B) Except as provided in paragraph (h)(2)(i)(C) of this section, if the internal inspection required by §§63.120(a)(2), 63.120(a)(3), or 63.120(b)(10) of subpart G of this part is not planned and the owner or operator could not have known about the inspection 30 calendar days in advance of refilling the vessel with organic HAP's, the owner or operator shall notify the Administrator at least 7 calendar days prior to refilling of the storage vessel. Notification may be made by telephone and immediately followed by written documentation demonstrating why the inspection was unplanned. This notification, including the written documentation, may also be made in writing and sent so that it is received by the Administrator at least 7 calendar days prior to the refilling.

(C) The State or local permitting authority can waive the notification requirements of paragraphs (h)(2)(i)(A) and/or (h)(2)(i)(B) of this section for all or some storage vessels at petroleum refineries subject to this subpart. The State or local permitting authority may also grant permission to refill storage vessels sooner than 30 days after submitting the notification required by paragraph (h)(2)(i)(A) of this section, or sooner than 7 days after submitting the notification required by paragraph (h)(2)(i)(B) of this section for all storage vessels, or for individual storage vessels on a case-by-case basis.

(ii) In order to afford the Administrator the opportunity to have an observer present, the owner or operator of a storage vessel equipped with an external floating roof shall notify the Administrator of any seal gap measurements. The notification shall be made in writing at least 30 calendar days in advance of any gap measurements required by §63.120 (b)(1) or (b)(2) of subpart G of this part. The State or local permitting authority can waive this notification requirement for all or some storage vessels subject to the rule or can allow less than 30 calendar days' notice.

(3) For owners or operators of sources required to request approval for a nominal control efficiency for use in calculating credits for an emissions average, the information specified in §63.652(h).

(4) The owner or operator who requests approval to monitor a different parameter than those listed in §63.644 for miscellaneous process vents or who is required by §63.653(a)(8) to establish a site-specific monitoring parameter for a point in an emissions average shall submit the information specified in paragraphs (h)(4)(i) through (h)(4)(iii) of this section. For new or reconstructed sources, the information shall be submitted with the application for approval of construction or reconstruction required by §63.5(d) of subpart A and for existing sources, and the information shall be submitted no later than 18 months prior to the compliance date. The information may be submitted in an operating permit application, in an amendment to an operating permit application, or in a separate submittal.

(i) A description of the parameter(s) to be monitored to determine whether excess emissions occur and an explanation of the criteria used to select the parameter(s).

(ii) A description of the methods and procedures that will be used to demonstrate that the parameter can be used to determine excess emissions and the schedule for this demonstration. The owner or operator must certify that they will establish a range for the monitored parameter as part of the Notification of Compliance Status report required in paragraphs (e) and (f) of this section.

(iii) The frequency and content of monitoring, recording, and reporting if: monitoring and recording are not continuous; or if periods of excess emissions, as defined in paragraph (g)(6) of this section, will not be identified in Periodic Reports required under paragraphs (e) and (g) of this section. The rationale for the proposed monitoring, recording, and reporting system shall be included.

(5) An owner or operator may request approval to use alternatives to the continuous operating parameter monitoring and recordkeeping provisions listed in paragraph (i) of this section.

(i) Requests shall be submitted with the Application for Approval of Construction or Reconstruction for new sources and no later than 18 months prior to the compliance date for existing sources. The information may be submitted in an operating permit application, in an amendment to an operating permit application, or in a separate submittal. Requests shall contain the information specified in paragraphs (h)(5)(iii) through (h)(5)(iv) of this section, as applicable.

(ii) The provisions in §63.8(f)(5)(i) of subpart A of this part shall govern the review and approval of requests.

(iii) An owner or operator may request approval to use an automated data compression recording system that does not record monitored operating parameter values at a set frequency (for example, once every hour) but records all values that meet set criteria for variation from previously recorded values.

(A) The requested system shall be designed to:

( 1 ) Measure the operating parameter value at least once every hour.

( 2 ) Record at least 24 values each day during periods of operation.

( 3 ) Record the date and time when monitors are turned off or on.

( 4 ) Recognize unchanging data that may indicate the monitor is not functioning properly, alert the operator, and record the incident.

( 5 ) Compute daily average values of the monitored operating parameter based on recorded data.

(B) The request shall contain a description of the monitoring system and data compression recording system including the criteria used to determine which monitored values are recorded and retained, the method for calculating daily averages, and a demonstration that the system meets all criteria of paragraph (h)(5)(iii)(A) of this section.

(iv) An owner or operator may request approval to use other alternative monitoring systems according to the procedures specified in §63.8(f) of subpart A of this part.

(6) The owner or operator shall submit the information specified in paragraphs (h)(6)(i) through (h)(6)(iii) of this section, as applicable. For existing sources, this information shall be submitted in the initial Notification of Compliance Status report. For a new source, the information shall be submitted with the application for approval of construction or reconstruction required by §63.5(d) of subpart A of this part. The information may be submitted in an operating permit application, in an amendment to an operating permit application, or in a separate submittal.

(i) The determination of applicability of this subpart to petroleum refining process units that are designed and operated as flexible operation units.

(ii) The determination of applicability of this subpart to any storage vessel for which use varies from year to year.

(iii) The determination of applicability of this subpart to any distillation unit for which use varies from year to year.

(i) *Recordkeeping.* (1) Each owner or operator subject to the storage vessel provisions in §63.646 shall keep the records specified in §63.123 of subpart G of this part except as specified in paragraphs (i)(1)(i) through (i)(1)(iv) of this section.

(i) Records related to gaskets, slotted membranes, and sleeve seals are not required for storage vessels within existing sources.

(ii) All references to §63.122 in §63.123 of subpart G of this part shall be replaced with §63.654(e),

(iii) All references to §63.150 in §63.123 of subpart G of this part shall be replaced with §63.652.

(iv) If a storage vessel is determined to be Group 2 because the weight percent total organic HAP of the stored liquid is less than or equal to 4 percent for existing sources or 2 percent for new sources, a record of any data, assumptions, and procedures used to make this determination shall be retained.

(2) Each owner or operator required to report the results of performance tests under paragraphs (f) and (g)(7) of this section shall retain a record of all reported results as well as a complete test report, as described in paragraph (f)(2)(ii) of this section for each emission point tested.

(3) Each owner or operator required to continuously monitor operating parameters under §63.644 for miscellaneous process vents or under §§63.652 and 63.653 for emission points in an emissions average shall keep the records specified in paragraphs (i)(3)(i) through (i)(3)(v) of this section unless an alternative recordkeeping system has been requested and approved under paragraph (h) of this section.

(i) The monitoring system shall measure data values at least once every hour.

(ii) The owner or operator shall record either:

(A) Each measured data value; or

(B) Block average values for 1 hour or shorter periods calculated from all measured data values during each period. If values are measured more frequently than once per minute, a single value for each minute may be used to calculate the hourly (or shorter period) block average instead of all measured values.

(iii) Daily average values of each continuously monitored parameter shall be calculated for each operating day and retained for 5 years except as specified in paragraph (i)(3)(iv) of this section.

(A) The daily average shall be calculated as the average of all values for a monitored parameter recorded during the operating day. The average shall cover a 24-hour period if operation is continuous, or the number of hours of operation per day if operation is not continuous.

(B) The operating day shall be the period defined in the Notification of Compliance Status report. It may be from midnight to midnight or another daily period.

(iv) If all recorded values for a monitored parameter during an operating day are within the range established in the Notification of Compliance Status report, the owner or operator may record that all values were within the range and retain this record for 5 years rather than calculating and recording a daily average for that day. For these days, the records required in paragraph (i)(3)(ii) of this section shall also be retained for 5 years.

(v) Monitoring data recorded during periods of monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments shall not be included in any average computed under this subpart. Records shall be kept of the times and durations of all such periods and any other periods during process or control device operation when monitors are not operating.

(4) The owner or operator of a heat exchange system subject to the monitoring requirements in §63.654 shall comply with the recordkeeping requirements in paragraphs (i)(4)(i) through (vi) of this section.

(i) Identification of all heat exchangers at the facility and the average annual HAP concentration of process fluid or intervening cooling fluid estimated when developing the Notification of Compliance Status report.

(ii) Identification of all heat exchange systems that are in organic HAP service. For each heat exchange system that is subject to this subpart, this must include identification of all heat exchangers within each heat exchange system, identification of the individual heat exchangers in organic HAP service within each heat exchange system, and, for closed-loop recirculation systems, the cooling tower included in each heat exchange system.

(iii) Results of the following monitoring data for each monthly monitoring event:

(A) Date/time of event.

(B) Barometric pressure.

(C) El Paso air stripping apparatus water flow (ml/min) and air flow, ml/min, and air temperature, °C.

(D) FID reading (ppmv).

(E) Heat exchange exit line flow or cooling tower return line flow at the El Paso monitoring location, gal/min.

(F) Calibration information identified in Section 5.4.2 of the Modified El Paso Method, incorporated by reference in §63.14(n).

(iv) The date when a leak was identified and the date when the heat exchanger was repaired or taken out of service.

(vi) If a repair is delayed, the reason for the delay, the schedule for completing the repair, and the estimate of potential emissions for the delay of repair.

(5) All other information required to be reported under paragraphs (a) through (h) of this section shall be retained for 5 years.

[60 FR 43260, Aug. 18, 1995, as amended at 61 FR 29881, June 12, 1996; 63 FR 44141, Aug. 18, 1998. Redesignated and amended at 74 FR 55686, 55687, Oct. 28, 2009]

### **§ 63.656 Implementation and enforcement.**

(a) This subpart can be implemented and enforced by the U.S. EPA, or a delegated authority such as the applicable State, local, or Tribal agency. If the U.S. EPA Administrator has delegated authority to a State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§63.640, 63.642(g) through (l), 63.643, 63.646 through 63.652, and 63.654. Where these standards reference another subpart, the cited provisions will be delegated according to the delegation provisions of the referenced subpart. Where these standards

reference another subpart and modify the requirements, the requirements shall be modified as described in this subpart. Delegation of the modified requirements will also occur according to the delegation provisions of the referenced subpart.

(2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f), as defined in §63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under §63.8(f), as defined in §63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under §63.10(f), as defined in §63.90, and as required in this subpart.

[68 FR 37351, June 23, 2003. Redesignated and amended at 74 FR 55686, 55688, Oct. 28, 2009]

**§§ 63.657-63.679 [Reserved]**

**Appendix to Subpart CC of Part 63—Tables**

**Table 1—Hazardous Air Pollutants**

<b>Chemical name</b>	<b>CAS No.<sup>a</sup></b>
Benzene	71432
Biphenyl	92524
Butadiene (1,3)	106990
Carbon disulfide	75150
Carbonyl sulfide	463581
Cresol (mixed isomers <sup>b</sup> )	1319773
Cresol (m-)	108394
Cresol (o-)	95487
Cresol (p-)	106445
Cumene	98828
Dibromoethane (1,2) (ethylene dibromide)	106934
Dichloroethane (1,2)	107062
Diethanolamine	111422
Ethylbenzene	100414
Ethylene glycol	107211
Hexane	110543

Methanol	67561
Methyl isobutyl ketone (hexone)	108101
Methyl tert butyl ether	1634044
Naphthalene	91203
Phenol	108952
Toluene	108883
Trimethylpentane (2,2,4)	540841
Xylene (mixed isomers <sup>b</sup> )	1330207
xylene (m-)	108383
xylene (o-)	95476
xylene (p-)	106423

<sup>a</sup>CAS number = Chemical Abstract Service registry number assigned to specific compounds, isomers, or mixtures of compounds.

<sup>b</sup>Isomer means all structural arrangements for the same number of atoms of each element and does not mean salts, esters, or derivatives.

**Table 2—Leak Definitions for Pumps and Valves**

<b>Standard<sup>a</sup></b>	<b>Phase</b>	<b>Leak definition (parts per million)</b>
§63.163 (pumps)	I	10,000
	II	5,000
	III	2,000
§63.168 (valves)	I	10,000
	II	1,000
	III	1,000

<sup>a</sup>Subpart H of this part.

**Table 3—Equipment Leak Recordkeeping and Reporting Requirements for Sources Complying With §63.648 of Subpart CC by Compliance With Subpart H of this Part<sup>a</sup>**

<b>Reference (section of subpart H of</b>	<b>Description</b>	<b>Comment</b>
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<b>this part)</b>		
63.181(a)	Recordkeeping system requirements	Except for §§63.181(b)(2)(iii) and 63.181(b)(9).
63.181(b)	Records required for process unit equipment	Except for §§63.181(b)(2)(iii) and 63.181(b)(9).
63.181(c)	Visual inspection documentation	Except for §§63.181(b)(2)(iii) and 63.181(b)(9).
63.181(d)	Leak detection record requirements	Except for §63.181(d)(8).
63.181(e)	Compliance requirements for pressure tests for batch product process equipment trains	This subsection does not apply to subpart CC.
63.181(f)	Compressor compliance test records.	
63.181(g)	Closed-vent systems and control device record requirements.	
63.181(h)	Process unit quality improvement program records.	
63.181(i)	Heavy liquid service determination record.	
63.181(j)	Equipment identification record.	
63.181(k)	Enclosed-vented process unit emission limitation record requirements.	
63.182(a)	Reports.	
63.182(b)	Initial notification report requirements.	Not required.
63.182(c)	Notification of compliance status report	Except in §63.182(c); change “within 90 days of the compliance dates” to “within 150 days of the compliance dates”; except in §§63.182 (c)(2) and (c)(4).
63.182(d)	Periodic report	Except for §§63.182 (d)(2)(vii),

		(d)(2)(viii), and (d)(3).
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<sup>a</sup>This table does not include all the requirements delineated under the referenced sections. See referenced sections for specific requirements.

**Table 4—Gasoline Distribution Emission Point Recordkeeping and Reporting Requirements<sup>a</sup>**

<b>Reference (section of subpart Y)</b>	<b>Description</b>	<b>Comment</b>
63.428(b) or (k)	Records of test results for each gasoline cargo tank loaded at the facility	
63.428(c)	Continuous monitoring data recordkeeping requirements	
63.428(g)(1)	Semiannual report loading rack information	Required to be submitted with the Periodic Report required under 40 CFR part 63, subpart CC.
63.428(h)(1) through (h)(3)	Excess emissions report loading rack information	Required to be submitted with the Periodic Report required under 40 CFR part 63, subpart CC.

<sup>a</sup>This table does not include all the requirements delineated under the referenced sections. See referenced sections for specific requirements.

**Table 5—Marine Vessel Loading Operations Recordkeeping and Reporting Requirements<sup>a</sup>**

<b>Reference (section of subpart Y)</b>	<b>Description</b>	<b>Comment</b>
63.562(e)(2)	Operation and maintenance plan for control equipment and monitoring equipment	
63.565(a)	Performance test/site test plan	The information required under this paragraph is to be submitted with the Notification of Compliance Status report required under 40 CFR part 63, subpart CC.
63.565(b)	Performance test data requirements	

63.567(a)	General Provisions (subpart A) applicability	
63.567(c)	Request for extension of compliance	
63.567(d)	Flare recordkeeping requirements	
63.567(e)	Summary report and excess emissions and monitoring system performance report requirements	The information required under this paragraph is to be submitted with the Periodic Report required under 40 CFR part 63, subpart CC.
63.567(f)	Vapor collection system engineering report	
63.567(g)	Vent system valve bypass recordkeeping requirements	
63.567(h)	Marine vessel vapor-tightness documentation	
63.567(i)	Documentation file maintenance	
63.567(j)	Emission estimation reporting and recordkeeping procedures	

<sup>a</sup>This table does not include all the requirements delineated under the referenced sections. See referenced sections for specific requirements.

**Table 6—General Provisions Applicability to Subpart CC<sup>a</sup>**

<b>Reference</b>	<b>Applies to subpart CC</b>	<b>Comment</b>
63.1(a)(1)	Yes	
63.1(a)(2)	Yes	
63.1(a)(3)	Yes	
63.1(a)(4)	Yes	
63.1(a)(5)	No	Reserved.
63.1(a)(6)	Yes	Except the correct mail drop (MD) number is C404-04.

63.1(a)(7)– 63.1(a)(9)	No	Reserved.
63.1(a)(10)	Yes	
63.1(a)(11)	Yes	
63.1(a)(12)	Yes	
63.1(b)(1)	Yes	
63.1(b)(2)	No	Reserved.
63.1(b)(3)	No	
63.1(c)(1)	Yes	
63.1(c)(2)	No	Area sources are not subject to subpart CC.
63.1(c)(3)– 63.1(c)(4)	No	Reserved.
63.1(c)(5)	Yes	Except that sources are not required to submit notifications overridden by this table.
63.1(d)	No	Reserved.
63.1(e)	No	No CAA section 112(j) standard applies to the affected sources under subpart CC.
63.2	Yes	§63.641 of subpart CC specifies that if the same term is defined in subparts A and CC, it shall have the meaning given in subpart CC.
63.3	Yes	
63.4(a)(1)– 63.4(a)(2)	Yes	
63.4(a)(3)– 63.4(a)(5)	No	Reserved.
63.4(b)	Yes	
63.4(c)	Yes	
63.5(a)	Yes	
63.5(b)(1)	Yes	
63.5(b)(2)	No	Reserved.

63.5(b)(3)	Yes	
63.5(b)(4)	Yes	Except the cross-reference to §63.9(b) is changed to §63.9(b)(4) and (5). Subpart CC overrides §63.9 (b)(2).
63.5(b)(5)	No	Reserved.
63.5(b)(6)	Yes	
63.5(c)	No	Reserved.
63.5(d)(1)(i)	Yes	Except that the application shall be submitted as soon as practicable before startup, but no later than 90 days after the promulgation date of subpart CC if the construction or reconstruction had commenced and initial startup had not occurred before the promulgation of subpart CC.
63.5(d)(1)(ii)	Yes	Except that for affected sources subject to subpart CC, emission estimates specified in §63.5(d)(1)(ii)(H) are not required.
63.5(d)(1)(iii)	No	Subpart CC §63.655(f) specifies Notification of Compliance Status report requirements.
63.5(d)(2)	Yes	
63.5(d)(3)	Yes	
63.5(d)(4)	Yes	
63.5(e)	Yes	
63.5(f)	Yes	
63.6(a)	Yes	
63.6(b)(1)– 63.6(b)(5)	No	Subpart CC specifies compliance dates and notifications for sources subject to subpart CC.
63.6(b)(6)	No	Reserved.
63.6(b)(7)	Yes	
63.6(c)(1)– 63.6(c)(2)	No	§63.640 of subpart CC specifies the compliance date.
63.6(c)(3)– 63.6(c)(4)	No	Reserved.
63.6(c)(5)	Yes	
63.6(d)	No	Reserved.

63.6(e)(1)	Yes	Except the startup, shutdown, or malfunction plan does not apply to Group 2 emission points that are not part of an emissions averaging group. <sup>b</sup>
63.6(e)(2)	No	Reserved.
63.6(e)(3)(i)	Yes	Except the startup, shutdown, or malfunction plan does not apply to Group 2 emission points that are not part of an emissions averaging group. <sup>b</sup>
63.6(e)(3)(ii)	No	Reserved.
63.6(e)(3)(iii)– 63.6(e)(3)(ix)	Yes	Except the reports specified in §63.6(e)(3)(iv) do not need to be reported within 2 and 7 days of commencing and completing the action, respectively, but must be included in the next periodic report.
63.6 (f)(1)	Yes	Except for the heat exchange system standards, which apply at all times.
63.6(f)(2) and (3)	Yes	Except the phrase “as specified in §63.7(c)” in §63.6(f)(2)(iii)(D) does not apply because subpart CC does not require a site-specific test plan.
63.6(g)	Yes	
63.6(h)(1) and 63.6(h)(2)	Yes	Except §63.6(h)(2)(ii), which is reserved.
63.6(h)(3)	No	Reserved.
63.6(h)(4)	No	Notification of visible emission test not required in subpart CC.
63.6(h)(5)	No	Visible emission requirements and timing is specified in §63.645(i) of subpart CC.
63.6(h)(6)	Yes	
63.6(h)(7)	No	Subpart CC does not require opacity standards.
63.6(h)(8)	Yes	
63.6(h)(9)	No	Subpart CC does not require opacity standards.
63.6(i)	Yes	Except for §63.6(i)(15), which is reserved.
63.6(j)	Yes	
63.7(a)(1)	Yes	

63.7(a)(2)	Yes	Except test results must be submitted in the Notification of Compliance Status report due 150 days after compliance date, as specified in §63.655(f) of subpart CC.
63.7(a)(3)	Yes	
63.7(a)(4)	Yes	
63.7(b)	No	Subpart CC requires notification of performance test at least 30 days (rather than 60 days) prior to the performance test.
63.7(c)	No	Subpart CC does not require a site-specific test plan.
63.7(d)	Yes	
63.7(e)(1)	Yes	Except the performance test must be conducted at the maximum representative capacity as specified in §63.642(d)(3) of subpart CC.
63.7(e)(2)– 63.7(e)(4)	Yes	
63.7(f)	No	Subpart CC specifies applicable methods and provides alternatives without additional notification or approval.
63.7(g)	No	Performance test reporting specified in §63.655(f).
63.7(h)(1)	Yes	
63.7(h)(2)	Yes	
63.7(h)(3)	Yes	Yes, except site-specific test plans shall not be required, and where §63.7(g)(3) specifies submittal by the date the site-specific test plan is due, the date shall be 90 days prior to the Notification of Compliance Status report in §63.655(f).
63.7(h)(4)(i)	Yes	
63.7(h)(4)(ii)	No	Site-specific test plans are not required in subpart CC.
63.7(h)(4)(iii) and (iv)	Yes	
63.7(h)(5)	Yes	
63.8(a)	Yes	Except §63.8(a)(3), which is reserved.
63.8(b)	Yes	

63.8(c)(1)	Yes	
63.8(c)(2)	Yes	
63.8(c)(3)	Yes	Except that verification of operational status shall, at a minimum, include completion of the manufacturer's written specifications or recommendations for installation, operation, and calibration of the system or other written procedures that provide adequate assurance that the equipment would monitor accurately.
63.8(c)(4)	Yes	Except Subpart CC specifies the monitoring cycle frequency specified in §63.8(c)(4)(ii) is “once every hour rather” than “for each successive 15-minute period.”
63.8(c)(5)– 63.8(c)(8)	No	
63.8(d)	No	
63.8(e)	No	Subpart CC does not require performance evaluations; however, this shall not abrogate the Administrator's authority to require performance evaluation under section 114 of the Clean Air Act.
63.8(f)(1)	Yes	
63.8(f)(2)	Yes	
63.8(f)(3)	Yes	
63.8(f)(4)(i)	No	Timeframe for submitting request is specified in §63.655(h)(5)(i) of subpart CC.
63.8(f)(4)(ii)	Yes	
63.8(f)(4)(iii)	No	Timeframe for submitting request is specified in §63.655(h)(5)(i) of subpart CC.
63.8(f)(5)	Yes	
63.8(f)(6)	No	Subpart CC does not require continuous emission monitors.
63.8(g)	No	Subpart CC specifies data reduction procedures in §63.655(i)(3).
63.9(a)	Yes	Except that the owner or operator does not need to send a copy of each notification submitted to the Regional Office of the EPA as stated in §63.9(a)(4)(ii).

63.9(b)(1)	Yes	Except the notification of compliance status report specified in §63.655(f) of subpart CC may also serve as the initial compliance notification required in §63.9(b)(1)(iii).
63.9(b)(2)	No	A separate Initial Notification report is not required under subpart CC.
63.9(b)(3)	No	Reserved.
63.9(b)(4)	Yes	Except for subparagraphs §63.9(b)(4)(ii) through (iv), which are reserved.
63.9(b)(5)	Yes	
63.9(c)	Yes	
63.9(d)	Yes	
63.9(e)	No	Subpart CC requires notification of performance test at least 30 days (rather than 60 days) prior to the performance test and does not require a site-specific test plan.
63.9(f)	No	Subpart CC does not require advanced notification of visible emissions test.
63.9(g)	No	
63.9(h)	No	Subpart CC §63.655(f) specifies Notification of Compliance Status report requirements.
63.9(i)	Yes	
63.9(j)	No	
63.10(a)	Yes	
63.10(b)(1)	No	§63.644(d) of subpart CC specifies record retention requirements.
63.10(b)(2)(i)	Yes	
63.10(b)(2)(ii)	Yes	
63.10(b)(2)(iii)	No	
63.10(b)(2)(iv)	Yes	
63.10(b)(2)(v)	Yes	
63.10(b)(2)(vi)	Yes	
63.10(b)(2)(vii)	No	

63.10(b)(2)(viii)	Yes	
63.10(b)(2)(ix)	Yes	
63.10(b)(2)(x)	Yes	
63.10(b)(2)(xi)	No	
63.10(b)(2)(xii)	Yes	
63.10(b)(2)(xiii)	No	
63.10(b)(2)(xiv)	Yes	
63.10(b)(3)	No	
63.10(c)(1)– 63.10(c)(6)	No	
63.10(c)(7) and 63.10(c)(8)	Yes	
63.10(c)(9)– 63.10(c)(15)	No	
63.10(d)(1)	Yes	
63.10(d)(2)	No	§63.655(f) of subpart CC specifies performance test reporting.
63.10(d)(3)	No	Results of visible emissions test are included in Compliance Status Report as specified in §63.655(f).
63.10(d)(4)	Yes	
63.10(d)(5)(i)	Yes <sup>b</sup>	Except that reports required by §63.10(d)(5)(i) may be submitted at the same time as periodic reports specified in §63.655(g) of subpart CC.
63.10(d)(5)(ii)	Yes	Except that actions taken during a startup, shutdown, or malfunction that are not consistent with the startup, shutdown, and malfunction plan and that cause the source to exceed any applicable emission limitation do not need to be reported within 2 and 7 days of commencing and completing the action, respectively, but must be included in the next periodic report.
63.10(e)	No	
63.10(f)	Yes	

63.11–63.16	Yes	
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<sup>a</sup>Wherever subpart A specifies “postmark” dates, submittals may be sent by methods other than the U.S. Mail (e.g., by fax or courier). Submittals shall be sent by the specified dates, but a postmark is not required.

<sup>b</sup>The plan, and any records or reports of startup, shutdown, and malfunction do not apply to Group 2 emission points that are not part of an emissions averaging group.

**Table 7—Fraction Measured (F<sub>M</sub>), Fraction Emitted (F<sub>E</sub>), and Fraction Removed (FR) for HAP Compounds in Wastewater Streams**

Chemical name	CAS No. <sup>a</sup>	F <sub>m</sub>	F <sub>e</sub>	Fr
Benzene	71432	1.00	0.80	0.99
Biphenyl	92524	0.86	0.45	0.99
Butadiene (1,3)	106990	1.00	0.98	0.99
Carbon disulfide	75150	1.00	0.92	0.99
Cumene	98828	1.00	0.88	0.99
Dichloroethane (1,2-) (Ethylene dichloride)	107062	1.00	0.64	0.99
Ethylbenzene	100414	1.00	0.83	0.99
Hexane	110543	1.00	1.00	0.99
Methanol	67561	0.85	0.17	0.31
Methyl isobutyl ketone (hexone)	108101	0.98	0.53	0.99
Methyl tert butyl ether	1634044	1.00	0.57	0.99
Naphthalene	91203	0.99	0.51	0.99
Trimethylpentane (2,2,4)	540841	1.00	1.00	0.99
xylene (m-)	108383	1.00	0.82	0.99
xylene (o-)	95476	1.00	0.79	0.99
xylene (p-)	106423	1.00	0.82	0.99

<sup>a</sup>CAS numbers refer to the Chemical Abstracts Service registry number assigned to specific compounds, isomers, or mixtures of compounds.

**Table 8—Valve Monitoring Frequency for Phase III**

<b>Performance level</b>	<b>Valve monitoring frequency</b>
<b>Leaking valves<sup>a</sup>(%)</b>	

≥4	Monthly or QIP. <sup>b</sup>
<4	Quarterly.
<3	Semiannual.
<2	Annual.

<sup>a</sup>Percent leaking valves is calculated as a rolling average of two consecutive monitoring periods.

<sup>b</sup>QIP=Quality improvement program. Specified in §63.175 of subpart H of this part.

**Table 9—Valve Monitoring Frequency for Alternative**

<b>Performance level</b>	<b>Valve monitoring frequency under §63.649 alternative</b>
<b>Leaking valves<sup>a</sup>(%)</b>	
≥5	Monthly or QIP. <sup>b</sup>
<5	Quarterly.
<4	Semiannual.
<3	Annual.

<sup>a</sup>Percent leaking valves is calculated as a rolling average of two consecutive monitoring periods.

<sup>b</sup>QIP=Quality improvement program. Specified in §63.175 of subpart H of this part.

**Table 10—Miscellaneous Process Vents—Monitoring, Recordkeeping and Reporting Requirements for Complying With 98 Weight-Percent Reduction of Total Organic HAP Emissions or a Limit of 20 Parts Per Million by Volume**

<b>Control device</b>	<b>Parameters to be monitored<sup>a</sup></b>	<b>Recordkeeping and reporting requirements for monitored parameters</b>
Thermal incinerator	Firebox temperature <sup>b</sup> (63.644(a)(1)(i))	1. Continuous records <sup>c</sup> .
		2. Record and report the firebox temperature averaged over the full period of the performance test—NCS <sup>d</sup> .
		3. Record the daily average firebox temperature for each operating day <sup>e</sup> .

		4. Report all daily average temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected <sup>f</sup> —PR <sup>g</sup> .
Catalytic incinerator	Temperature upstream and downstream of the catalyst bed (63.644(a)(1)(ii))	1. Continuous records <sup>c</sup> .
		2. Record and report the upstream and downstream temperatures and the temperature difference across the catalyst bed averaged over the full period of the performance test—NCS <sup>d</sup> .
		3. Record the daily average upstream temperature and temperature difference across the catalyst bed for each operating day <sup>e</sup> .
		4. Report all daily average upstream temperatures that are outside the range established in the NCS or operating permit—PR <sup>g</sup> .
		5. Report all daily average temperature differences across the catalyst bed that are outside the range established in the NCS or operating permit—PR <sup>g</sup> .
		6. Report all operating days when insufficient monitoring data are collected <sup>f</sup> .
Boiler or process heater with a design heat capacity less than 44 megawatts where the vent	Firebox temperature <sup>b</sup> (63.644(a)(4))	1. Continuous records <sup>c</sup> .

stream is <i>not</i> introduced into the flame zone <sup>h,i</sup>		
		2. Record and report the firebox temperature averaged over the full period of the performance test—NCS <sup>d</sup> .
		3. Record the daily average firebox temperature for each operating day <sup>e</sup> .
		4. Report all daily average firebox temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected <sup>f</sup> —PR <sup>g</sup> .
Flare	Presence of a flame at the pilot light (63.644(a)(2))	1. Hourly records of whether the monitor was continuously operating and whether a pilot flame was continuously present during each hour.
		2. Record and report the presence of a flame at the pilot light over the full period of the compliance determination—NCS <sup>d</sup> .
		3. Record the times and durations of all periods when all pilot flames for a flare are absent or the monitor is not operating.
		4. Report the times and durations of all periods when all pilot flames for a flare are absent or the monitor is not operating.
All control devices	Presence of flow diverted to the atmosphere from the control	1. Hourly records of whether the flow indicator was

	device (63.644(c)(1)) <i>or</i>	operating and whether flow was detected at any time during each hour.
		2. Record and report the times and durations of all periods when the vent stream is diverted through a bypass line or the monitor is not operating—PR <sup>g</sup> .
	Monthly inspections of sealed valves [63.644(c)(2)]	1. Records that monthly inspections were performed.
		2. Record and report all monthly inspections that show the valves are not closed or the seal has been changed—PR <sup>g</sup> .

<sup>a</sup>Regulatory citations are listed in parentheses.

<sup>b</sup>Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.

<sup>c</sup>“Continuous records” is defined in §63.641.

<sup>d</sup>NCS = Notification of Compliance Status Report described in §63.655.

<sup>e</sup>The daily average is the average of all recorded parameter values for the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.

<sup>f</sup>When a period of excess emission is caused by insufficient monitoring data, as described in §63.655(g)(6)(i)(C) or (D), the duration of the period when monitoring data were not collected shall be included in the Periodic Report.

<sup>g</sup>PR = Periodic Reports described in §63.655(g).

<sup>h</sup>No monitoring is required for boilers and process heaters with a design heat capacity ≥44 megawatts or for boilers and process heaters where all vent streams are introduced into the flame zone. No recordkeeping or reporting associated with monitoring is required for such boilers and process heaters.

<sup>i</sup>Process vents that are routed to refinery fuel gas systems are not regulated under this subpart. No monitoring, recordkeeping, or reporting is required for boilers and process heaters that combust refinery fuel gas.

[60 FR 43260, Aug. 18, 1995, as amended at 61 FR 29881, 29882, June 12, 1996; 63 FR 44142, 44143, Aug. 18, 1998; 74 FR 55688, Oct. 28, 2009]

**Indiana Department of Environmental Management  
Office of Air Quality**

**Attachment C  
for a  
Part 70 Operating Permit**

**Source Background and Description**

<b>Source Name:</b>	Countrymark Cooperative, LLP
<b>Source Location:</b>	South Mann and West Ohio St., Mount Vernon, IN
<b>County:</b>	Posey
<b>SIC Code:</b>	2911
<b>Permit Renewal No.:</b>	T129-25574-00037
<b>Permit Reviewer:</b>	RLO

**Subpart XX—Standards of Performance for Bulk Gasoline Terminals**

**Source:** 48 FR 37590, Aug. 18, 1983, unless otherwise noted.

**§ 60.500 Applicability and designation of affected facility.**

(a) The affected facility to which the provisions of this subpart apply is the total of all the loading racks at a bulk gasoline terminal which deliver liquid product into gasoline tank trucks.

(b) Each facility under paragraph (a) of this section, the construction or modification of which is commenced after December 17, 1980, is subject to the provisions of this subpart.

(c) For purposes of this subpart, any replacement of components of an existing facility, described in paragraph (a) of this section, commenced before August 18, 1983 in order to comply with any emission standard adopted by a State or political subdivision thereof will not be considered a reconstruction under the provisions of 40 CFR 60.15.

Note: The intent of these standards is to minimize the emissions of VOC through the application of best demonstrated technologies (BDT). The numerical emission limits in this standard are expressed in terms of total organic compounds. This emission limit reflects the performance of BDT.

**§ 60.501 Definitions.**

The terms used in this subpart are defined in the Clean Air Act, in §60.2 of this part, or in this section as follows:

*Bulk gasoline terminal* means any gasoline facility which receives gasoline by pipeline, ship or barge, and has a gasoline throughput greater than 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under Federal, State or local law and discoverable by the Administrator and any other person.

*Continuous vapor processing system* means a vapor processing system that treats total organic compounds vapors collected from gasoline tank trucks on a demand basis without intermediate accumulation in a vapor holder.

*Existing vapor processing system* means a vapor processing system [capable of achieving emissions to the atmosphere no greater than 80 milligrams of total organic compounds per liter of gasoline loaded], the construction or refurbishment of which was commenced before December 17, 1980, and which was not constructed or refurbished after that date.

*Flare* means a thermal oxidation system using an open (without enclosure) flame.

*Gasoline* means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater which is used as a fuel for internal combustion engines.

*Gasoline tank truck* means a delivery tank truck used at bulk gasoline terminals which is loading gasoline or which has loaded gasoline on the immediately previous load.

*Intermittent vapor processing system* means a vapor processing system that employs an intermediate vapor holder to accumulate total organic compounds vapors collected from gasoline tank trucks, and treats the accumulated vapors only during automatically controlled cycles.

*Loading rack* means the loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves necessary to fill delivery tank trucks.

*Refurbishment* means, with reference to a vapor processing system, replacement of components of, or addition of components to, the system within any 2-year period such that the fixed capital cost of the new components required for such component replacement or addition exceeds 50 percent of the cost of a comparable entirely new system.

*Thermal oxidation system* means a combustion device used to mix and ignite fuel, air pollutants, and air to provide a flame to heat and oxidize hazardous air pollutants. Auxiliary fuel may be used to heat air pollutants to combustion temperatures.

*Total organic compounds* means those compounds measured according to the procedures in §60.503.

*Vapor collection system* means any equipment used for containing total organic compounds vapors displaced during the loading of gasoline tank trucks.

*Vapor processing system* means all equipment used for recovering or oxidizing total organic compounds vapors displaced from the affected facility.

*Vapor-tight gasoline tank truck* means a gasoline tank truck which has demonstrated within the 12 preceding months that its product delivery tank will sustain a pressure change of not more than 750 pascals (75 mm of water) within 5 minutes after it is pressurized to 4,500 pascals (450 mm of water). This capability is to be demonstrated using the pressure test procedure specified in Method 27.

[48 FR 37590, Aug. 18, 1983, as amended at 65 FR 61763, Oct. 17, 2000; 68 FR 70965, Dec. 19, 2003]

#### **§ 60.502 Standard for Volatile Organic Compound (VOC) emissions from bulk gasoline terminals.**

On and after the date on which §60.8(a) requires a performance test to be completed, the owner or operator of each bulk gasoline terminal containing an affected facility shall comply with the requirements of this section.

(a) Each affected facility shall be equipped with a vapor collection system designed to collect the total organic compounds vapors displaced from tank trucks during product loading.

(b) The emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 35 milligrams of total organic compounds per liter of gasoline loaded, except as noted in paragraph (c) of this section.

(c) For each affected facility equipped with an existing vapor processing system, the emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 80 milligrams of total organic compounds per liter of gasoline loaded.

(d) Each vapor collection system shall be designed to prevent any total organic compounds vapors collected at one loading rack from passing to another loading rack.

(e) Loadings of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks using the following procedures:

(1) The owner or operator shall obtain the vapor tightness documentation described in §60.505(b) for each gasoline tank truck which is to be loaded at the affected facility.

(2) The owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded at the affected facility.

(3)(i) The owner or operator shall cross-check each tank identification number obtained in paragraph (e)(2) of this section with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded, unless either of the following conditions is maintained:

(A) If less than an average of one gasoline tank truck per month over the last 26 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed each quarter; or

(B) If less than an average of one gasoline tank truck per month over the last 52 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed semiannually.

(ii) If either the quarterly or semiannual cross-check provided in paragraphs (e)(3)(i) (A) through (B) of this section reveals that these conditions were not maintained, the source must return to biweekly monitoring until such time as these conditions are again met.

(4) The terminal owner or operator shall notify the owner or operator of each non-vapor-tight gasoline tank truck loaded at the affected facility within 1 week of the documentation cross-check in paragraph (e)(3) of this section.

(5) The terminal owner or operator shall take steps assuring that the nonvapor-tight gasoline tank truck will not be reloaded at the affected facility until vapor tightness documentation for that tank is obtained.

(6) Alternate procedures to those described in paragraphs (e)(1) through (5) of this section for limiting gasoline tank truck loadings may be used upon application to, and approval by, the Administrator.

(f) The owner or operator shall act to assure that loadings of gasoline tank trucks at the affected facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.

(g) The owner or operator shall act to assure that the terminal's and the tank truck's vapor collection systems are connected during each loading of a gasoline tank truck at the affected facility. Examples of actions to accomplish this include training drivers in the hookup procedures and posting visible reminder signs at the affected loading racks.

(h) The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in §60.503(d).

(i) No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 pascals (450 mm of water).

(j) Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded and the source of the leak repaired within 15 calendar days after it is detected.

[48 FR 37590, Aug. 18, 1983; 48 FR 56580, Dec. 22, 1983, as amended at 54 FR 6678, Feb. 14, 1989; 64 FR 7466, Feb. 12, 1999]

### § 60.503 Test methods and procedures.

(a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b). The three-run requirement of §60.8(f) does not apply to this subpart.

(b) Immediately before the performance test required to determine compliance with §60.502 (b), (c), and (h), the owner or operator shall use Method 21 to monitor for leakage of vapor all potential sources in the terminal's vapor collection system equipment while a gasoline tank truck is being loaded. The owner or operator shall repair all leaks with readings of 10,000 ppm (as methane) or greater before conducting the performance test.

(c) The owner or operator shall determine compliance with the standards in §60.502 (b) and (c) as follows:

(1) The performance test shall be 6 hours long during which at least 300,000 liters of gasoline is loaded. If this is not possible, the test may be continued the same day until 300,000 liters of gasoline is loaded or the test may be resumed the next day with another complete 6-hour period. In the latter case, the 300,000-liter criterion need not be met. However, as much as possible, testing should be conducted during the 6-hour period in which the highest throughput normally occurs.

(2) If the vapor processing system is intermittent in operation, the performance test shall begin at a reference vapor holder level and shall end at the same reference point. The test shall include at least two startups and shutdowns of the vapor processor. If this does not occur under automatically controlled operations, the system shall be manually controlled.

(3) The emission rate (E) of total organic compounds shall be computed using the following equation:

$$E = K \sum_{i=1}^n (V_{esi} C_{ei}) / (L 10^6)$$

where:

E=emission rate of total organic compounds, mg/liter of gasoline loaded.

V<sub>esi</sub>=volume of air-vapor mixture exhausted at each interval "i", scm.

$C_{ei}$ =concentration of total organic compounds at each interval "i", ppm.

L=total volume of gasoline loaded, liters.

n=number of testing intervals.

i=emission testing interval of 5 minutes.

K=density of calibration gas,  $1.83 \times 10^6$  for propane and  $2.41 \times 10^6$  for butane, mg/scm.

(4) The performance test shall be conducted in intervals of 5 minutes. For each interval "i", readings from each measurement shall be recorded, and the volume exhausted ( $V_{esi}$ ) and the corresponding average total organic compounds concentration ( $C_{ei}$ ) shall be determined. The sampling system response time shall be considered in determining the average total organic compounds concentration corresponding to the volume exhausted.

(5) The following methods shall be used to determine the volume ( $V_{esi}$ ) air-vapor mixture exhausted at each interval:

(i) Method 2B shall be used for combustion vapor processing systems.

(ii) Method 2A shall be used for all other vapor processing systems.

(6) Method 25A or 25B shall be used for determining the total organic compounds concentration ( $C_{ei}$ ) at each interval. The calibration gas shall be either propane or butane. The owner or operator may exclude the methane and ethane content in the exhaust vent by any method (e.g., Method 18) approved by the Administrator.

(7) To determine the volume (L) of gasoline dispensed during the performance test period at all loading racks whose vapor emissions are controlled by the processing system being tested, terminal records or readings from gasoline dispensing meters at each loading rack shall be used.

(d) The owner or operator shall determine compliance with the standard in §60.502(h) as follows:

(1) A pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument), capable of measuring up to 500 mm of water gauge pressure with  $\pm 2.5$  mm of water precision, shall be calibrated and installed on the terminal's vapor collection system at a pressure tap located as close as possible to the connection with the gasoline tank truck.

(2) During the performance test, the pressure shall be recorded every 5 minutes while a gasoline truck is being loaded; the highest instantaneous pressure that occurs during each loading shall also be recorded. Every loading position must be tested at least once during the performance test.

(e) The performance test requirements of paragraph (c) of this section do not apply to flares defined in §60.501 and meeting the requirements in §60.18(b) through (f). The owner or operator shall demonstrate that the flare and associated vapor collection system is in compliance with the requirements in §§60.18(b) through (f) and 60.503(a), (b), and (d).

(f) The owner or operator shall use alternative test methods and procedures in accordance with the alternative test method provisions in §60.8(b) for flares that do not meet the requirements in §60.18(b).

[54 FR 6678, Feb. 14, 1989; 54 FR 21344, Feb. 14, 1989, as amended at 68 FR 70965, Dec. 19, 2003]

**§ 60.504 [Reserved]**

**§ 60.505 Reporting and recordkeeping.**

(a) The tank truck vapor tightness documentation required under §60.502(e)(1) shall be kept on file at the terminal in a permanent form available for inspection.

(b) The documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined by Method 27. This documentation shall include, as a minimum, the following information:

- (1) Test title: Gasoline Delivery Tank Pressure Test—EPA Reference Method 27.
- (2) Tank owner and address.
- (3) Tank identification number.
- (4) Testing location.
- (5) Date of test.
- (6) Tester name and signature.
- (7) Witnessing inspector, if any: Name, signature, and affiliation.
- (8) Test results: Actual pressure change in 5 minutes, mm of water (average for 2 runs).

(c) A record of each monthly leak inspection required under §60.502(j) shall be kept on file at the terminal for at least 2 years. Inspection records shall include, as a minimum, the following information:

- (1) Date of inspection.
- (2) Findings (may indicate no leaks discovered; or location, nature, and severity of each leak).
- (3) Leak determination method.
- (4) Corrective action (date each leak repaired; reasons for any repair interval in excess of 15 days).
- (5) Inspector name and signature.

(d) The terminal owner or operator shall keep documentation of all notifications required under §60.502(e)(4) on file at the terminal for at least 2 years.

(e) As an alternative to keeping records at the terminal of each gasoline cargo tank test result as required in paragraphs (a), (c), and (d) of this section, an owner or operator may comply with the requirements in either paragraph (e)(1) or (2) of this section.

(1) An electronic copy of each record is instantly available at the terminal.

(i) The copy of each record in paragraph (e)(1) of this section is an exact duplicate image of the original paper record with certifying signatures.

(ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with paragraph (e)(1) of this section.

(2) For facilities that utilize a terminal automation system to prevent gasoline cargo tanks that do not have valid cargo tank vapor tightness documentation from loading ( e.g., via a card lock-out system), a copy of the documentation is made available ( e.g., via facsimile) for inspection by permitting authority representatives during the course of a site visit, or within a mutually agreeable time frame.

(i) The copy of each record in paragraph (e)(2) of this section is an exact duplicate image of the original paper record with certifying signatures.

(ii) The permitting authority is notified in writing that each terminal using this alternative is in compliance with paragraph (e)(2) of this section.

(f) The owner or operator of an affected facility shall keep records of all replacements or additions of components performed on an existing vapor processing system for at least 3 years.

[48 FR 37590, Aug. 18, 1983; 48 FR 56580, Dec. 22, 1983, as amended at 68 FR 70965, Dec. 19, 2003]

### **§ 60.506 Reconstruction.**

For purposes of this subpart:

(a) The cost of the following frequently replaced components of the affected facility shall not be considered in calculating either the “fixed capital cost of the new components” or the “fixed capital costs that would be required to construct a comparable entirely new facility” under §60.15: pump seals, loading arm gaskets and swivels, coupler gaskets, overfill sensor couplers and cables, flexible vapor hoses, and grounding cables and connectors.

(b) Under §60.15, the “fixed capital cost of the new components” includes the fixed capital cost of all depreciable components (except components specified in §60.506(a)) which are or will be replaced pursuant to all continuous programs of component replacement which are commenced within any 2-year period following December 17, 1980. For purposes of this paragraph, “commenced” means that an owner or operator has undertaken a continuous program of component replacement or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of component replacement.

# Indiana Department of Environmental Management Office of Air Quality

## Addendum to the Technical Support Document for a Part 70 Operating Permit Renewal

<b>Source Name:</b>	<b>Countrymark Cooperative, LLP</b>
<b>Source Location:</b>	<b>South Mann and West Ohio Street, Mount Vernon, Indiana</b>
<b>County:</b>	<b>Posey</b>
<b>SIC Code:</b>	<b>2911</b>
<b>Permit Renewal No.:</b>	<b>T129-25574-00037</b>
<b>Permit Reviewer:</b>	<b>Roger Osburn</b>

On April 28, 2010, the Office of Air Quality (OAQ) had a notice published in the Mount Vernon Democrat, Mount Vernon, Indiana, stating that Countrymark Cooperative, LLP had applied for a Part 70 Operating Permit renewal to continue to operate a petroleum refinery. The notice also stated that OAQ proposed to issue a permit renewal for this operation and provided information on how the public could review the proposed permit and other documentation. Finally, the notice informed interested parties that there was a period of thirty (30) days to provide comments on whether or not this permit should be issued as proposed. No comments were received during this period.

IDEM, OAQ prefers the TSD remain the same as the version that was public noticed. Therefore, the TSD will not be changed, but will be noted in this addendum. Changes to the permit are noted as follows: ~~struck~~ language has been deleted; **bold** language has been added. The Table of Contents has been modified to reflect these changes.

IDEM has modified the language for several standard Title V permitting Sections B and C conditions. Necessary administrative changes to the Part 70 Operating Permit Renewal No. T129-25574-00037, will be noted in this addendum only, as no changes will be made to the TSD. The Table of Contents has been updated accordingly.

**Change No. 1:** For clarity, IDEM has changed references to the general conditions: "in accordance with Section B", "in accordance with Section C", or other similar language, to "Section C ... contains the Permittee's obligations with regard to the records required by this condition."

**Change No. 2:** The phrases "no later than" and "not later than" are clearer than "within" in relation to the end of a timeline. Therefore all timelines have been switched to "no later than" or "not later than" except for the timelines for Title V Fee, Emergency Provisions, Continuous Compliance Plan, and Revocation of Permits (Conditions newly numbered as B.11, B.15, B.23, and C.10) because the underlying rules state "within."

**Change No. 3:** 326 IAC 2-7 requires that "a responsible official" perform certain actions. 326 IAC 2-7-1(34) allows for multiple people to meet the definition of "responsible official." Therefore, IDEM is revising all instances of "the responsible official" to read "a responsible official."

**Change No. 4:** In order to clarify what rule requirements need to be met through certification, the last sentence dealing with the need for certification has been removed from the form(s) because the Condition(s) requiring the form(s) already address this issue.

**Change No. 5:** To clarify that Section B - Certification only states what a certification must be, IDEM has revised the condition.

**Change No. 6:** IDEM has revised Section B - Preventive Maintenance Plan.

**Change No. 7:** IDEM, OAQ has revised Section B - Emergency Provisions to delete paragraph (h). 326 IAC 2-7-5(3)(C)(ii) allows that deviations reported under an independent requirement do not have to be included in the Quarterly Deviation and Compliance Monitoring Report.

**Change No. 8:** IDEM has added the Southeastern Regional Office to Section B - Emergency Provisions.

**Change No. 9:** Having a separate condition for the reporting of deviations is unnecessary. Therefore, IDEM has removed Section B - Deviation form Permit Requirements and Conditions and added the requirements of that condition to Section C - General Reporting Requirements. Paragraph (d) of Section C - General Reporting Requirements has been removed because IDEM already states the timeline and certification needs of each report in the condition requiring the report. Because this source is Major for PSD, Subparagraph (g)(4) has been revised to match the underlying rule language.

**Change No. 10:** IDEM, OAQ will state which rule establishes the authority to set a deadline for the Permittee to submit additional information. Therefore, Section B - Permit Renewal has been revised.

**Change No. 11:** IDEM, OAQ will state that no notice is required for approved changes in Section B - Permit Revision Under Economic Incentives and Other Programs.

**Change No. 12:** IDEM has added 326 IAC 5-1-1 to the exception clause of Section C - Opacity, since 326 IAC 5-1-1 does list exceptions.

**Change No. 13:** IDEM has revised Section C - Incineration to more closely reflect the two underlying rules.

**Change No. 14:** IDEM has removed the first paragraph of Section C - Performance Testing due to the fact that specific testing conditions elsewhere in the permit will specify the timeline and procedures.

**Change No. 15:** IDEM has revised Section C - Compliance Monitoring. The reference to recordkeeping has been removed due to the fact that other conditions already address recordkeeping. The voice of the condition has been changed to clearly indicate that it is the Permittee that must follow the requirements of the condition.

**Change No. 16:** IDEM has removed Section C - Monitoring Methods. The conditions that require the monitoring or testing, if required, state what methods shall be used.

**Change No. 17:** IDEM has revised Section C - Response to Excursions or Exceedances. The introduction sentence has been added to clarify that it is only when an excursion or exceedance is detected that the requirements of this condition need to be followed. The word "excess" was added to the last sentence of paragraph (a) because the Permittee only has to minimize excess emissions. The middle of paragraph (b) has been deleted as it was duplicative of paragraph (a). The phrase "or are returning" was added to subparagraph (b)(2) as this is an acceptable response assuming the operation or emission unit does return to normal or its usual manner of operation. The phrase "within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable" was replaced with "normal or usual manner of operation" because the first phrase is just a limited list of the second phrase. The recordkeeping required by paragraph (e) was changed to require only records of the response because the previously listed items are required to be recorded elsewhere in the permit.

**Change No. 18:** IDEM has revised Section C - Actions Related to Noncompliance Demonstrated by a Stack Test. The requirements to take response steps and minimize excess emissions have been removed because Section C - Response to Excursions or Exceedances already requires response steps related to exceedances and excess emissions minimization. The start of the timelines was switched from "the receipt of the test results" to "the date of the test." There was confusion if the "receipt" was by IDEM, the Permittee, or someone else. Since the start of the timelines has been moved up, the length of the timelines was increased. The new timelines require action within a comparable timeline; and the new timelines still ensure that the Permittee will return to compliance within a reasonable timeframe.

**Change No. 19:** Paragraph (b) of Section C - Emission Statement has been removed. It was duplicative of the requirement in Section C - General Reporting Requirements.

**Change No. 20:** The voice of paragraph (b) of Section C - General Record Keeping Requirements has been changed to clearly indicate that it is the Permittee that must follow the requirements of the paragraph.

**Change No. 21:** IDEM has simplified the referencing in Section C - Compliance with 40 CFR 82 and 326 IAC 22-1.

The changes No.1 through No. 21 have been made to the B and C Sections of the permit. Below is the previous version of the B and C Sections in strike-through, and the updated version of the B and C Sections in bold type:

**Previous B and C Sections**

~~B.1 — Definitions [326 IAC 2-7-1]~~

~~Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.~~

~~B.2 — Permit Term [326 IAC 2-7-5(2)][326 IAC 2-1.1-9.5][326 IAC 2-7-4(a)(1)(D)][IC 13-15-3-6(a)]~~

~~(a) — This permit, T129-25574-00037, is issued for a fixed term of five (5) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit.~~

~~(b) — If IDEM, OAQ, upon receiving a timely and complete renewal permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, including any permit shield provided in 326 IAC 2-7-15, until the renewal permit has been issued or denied.~~

~~B.3 — Term of Conditions [326 IAC 2-1.1-9.5]~~

~~Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:~~

~~(a) — the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or~~

~~(b) — the emission unit to which the condition pertains permanently ceases operation.~~

~~B.4 — Enforceability [326 IAC 2-7-7]~~

~~Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.~~

~~B.5 — Severability [326 IAC 2-7-5(5)]~~

~~The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.~~

~~B.6 — Property Rights or Exclusive Privilege [326 IAC 2-7-5(6)(D)]~~

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

~~B.7 — Duty to Provide Information [326 IAC 2-7-5(6)(E)]~~

~~(a) — The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34). Upon request, the Permittee shall also furnish to IDEM, OAQ copies of records required to be kept by this permit.~~

~~(b) — For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.~~

~~B.8 — Certification [326 IAC 2-7-4(f)][326 IAC 2-7-6(1)][326 IAC 2-7-5(3)(C)]~~

~~(a) — Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by the "responsible official" of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.~~

~~(b) — One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.~~

~~(c) — A "responsible official" is defined at 326 IAC 2-7-1(34).~~

~~B.9 — Annual Compliance Certification [326 IAC 2-7-6(5)]~~

~~(a) — The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted no later than July 1 of each year to:~~

~~Indiana Department of Environmental Management  
Compliance Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

~~and~~

United States Environmental Protection Agency, Region V  
Air and Radiation Division, Air Enforcement Branch—Indiana (AE-17J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

- ~~(b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.~~
- ~~(c) The annual compliance certification report shall include the following:~~
- ~~(1) The appropriate identification of each term or condition of this permit that is the basis of the certification;~~
  - ~~(2) The compliance status;~~
  - ~~(3) Whether compliance was continuous or intermittent;~~
  - ~~(4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); and~~
  - ~~(5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ may require to determine the compliance status of the source.~~

~~The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

~~B.10 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)][326 IAC 2-7-6(1) and (6)][326 IAC 1-6-3]~~

- 
- ~~(a) If required by specific condition(s) in Section D of this permit, the Permittee shall maintain and implement Preventive Maintenance Plans (PMPs) including the following information on each facility:~~
- ~~(1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;~~
  - ~~(2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and~~
  - ~~(3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.~~
- ~~(b) A copy of the PMPs shall be submitted to IDEM, OAQ upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions or potential to emit. The PMPs do not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~
- ~~(c) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.~~

~~B.11 Emergency Provisions [326 IAC 2-7-16]~~

~~(a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation.~~

~~(b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:~~

~~(1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;~~

~~(2) The permitted facility was at the time being properly operated;~~

~~(3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;~~

~~(4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, and Southwest Regional Office within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;~~

~~Telephone Number: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section), or~~

~~Telephone Number: 317-233-0178 (ask for Compliance Section)~~

~~Facsimile Number: 317-233-6865~~

~~Southwest Regional Office phone: (812) 380-2305; fax: (812) 380-2304.~~

~~(5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:~~

~~Indiana Department of Environmental Management~~

~~Compliance Branch, Office of Air Quality~~

~~100 North Senate Avenue~~

~~MC 61-53 IGCN 1003~~

~~Indianapolis, Indiana 46204-2254~~

~~within two (2) working days of the time when emission limitations were exceeded due to the emergency.~~

~~The notice fulfills the requirement of 326 IAC 2-7-5(3)(C)(ii) and must contain the following:~~

~~(A) A description of the emergency;~~

~~(B) Any steps taken to mitigate the emissions; and~~

~~(C) Corrective actions taken.~~

~~The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

~~(6) The Permittee immediately took all reasonable steps to correct the emergency.~~

- ~~(c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.~~
- ~~(d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.~~
- ~~(e) The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ may require that the Preventive Maintenance Plans required under 326 IAC 2-7-4(c)(9) be revised in response to an emergency.~~
- ~~(f) Failure to notify IDEM, OAQ by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-7 and any other applicable rules.~~
- ~~(g) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.~~
- ~~(h) The Permittee shall include all emergencies in the Quarterly Deviation and Compliance Monitoring Report.~~

~~B.12 Permit Shield [326 IAC 2-7-15][326 IAC 2-7-20][326 IAC 2-7-12]~~

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- ~~(a) Pursuant to 326 IAC 2-7-15, the Permittee has been granted a permit shield. The permit shield provides that compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that either the applicable requirements are included and specifically identified in this permit or the permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable. The Indiana statutes from IC 13 and rules from 326 IAC, referenced in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Part 70 permit under 326 IAC 2-7 or for applicable requirements for which a permit shield has been granted.  
  
This permit shield does not extend to applicable requirements which are promulgated after the date of issuance of this permit unless this permit has been modified to reflect such new requirements.~~
- ~~(b) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, IDEM, OAQ, shall immediately take steps to reopen and revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.~~
- ~~(c) No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application. Erroneous information means information that the Permittee knew to be false, or in the exercise of reasonable care should have been known to be false, at the time the information was submitted.~~

- ~~(d) — Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:~~
- ~~(1) — The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;~~
  - ~~(2) — The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;~~
  - ~~(3) — The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and~~
  - ~~(4) — The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.~~
- ~~(e) — This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).~~
- ~~(f) — This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAQ, has issued the modifications. [326 IAC 2-7-12(c)(7)]~~
- ~~(g) — This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAQ, has issued the modification. [326 IAC 2-7-12(b)(8)]~~

~~B.13 — Prior Permits Superseded [326 IAC 2-1-1-9.5][326 IAC 2-7-10.5]~~

- ~~(a) — All terms and conditions of permits established prior to T129-25574-00037 and issued pursuant to permitting programs approved into the state implementation plan have been either:~~
- ~~(1) — incorporated as originally stated,~~
  - ~~(2) — revised under 326 IAC 2-7-10.5, or~~
  - ~~(3) — deleted under 326 IAC 2-7-10.5.~~
- ~~(b) — Provided that all terms and conditions are accurately reflected in this permit, all previous registrations and permits are superseded by this Part 70 operating permit.~~

~~B.14 — Termination of Right to Operate [326 IAC 2-7-10][326 IAC 2-7-4(a)]~~

~~The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-7-3 and 326 IAC 2-7-4(a).~~

~~B.15 — Deviations from Permit Requirements and Conditions [326 IAC 2-7-5(3)(C)(ii)]~~

- ~~(a) — Deviations from any permit requirements (for emergencies see Section B — Emergency Provisions), the probable cause of such deviations, and any response steps or preventive measures taken shall be reported to:~~

~~Indiana Department of Environmental Management  
Compliance Data Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

~~using the attached Quarterly Deviation and Compliance Monitoring Report, or its equivalent. A deviation required to be reported pursuant to an applicable requirement that~~

~~exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report.~~

~~The Quarterly Deviation and Compliance Monitoring Report does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

- ~~(b) A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.~~

~~B.16 Permit Modification, Reopening, Revocation and Reissuance, or Termination  
[326 IAC 2-7-5(6)(C)][326 IAC 2-7-8(a)][326 IAC 2-7-9]~~

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- ~~(a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Part 70 Operating Permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-7-5(6)(C)] The notification by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~
- ~~(b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:~~
- ~~(1) That this permit contains a material mistake.~~
  - ~~(2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.~~
  - ~~(3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-7-9(a)(3)]~~
- ~~(c) Proceedings by IDEM, OAQ to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-7-9(b)]~~
- ~~(d) The reopening and revision of this permit, under 326 IAC 2-7-9(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-7-9(c)]~~

~~B.17 Permit Renewal [326 IAC 2-7-3][326 IAC 2-7-4][326 IAC 2-7-8(e)]~~

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- ~~(a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

~~Request for renewal shall be submitted to:~~

~~Indiana Department of Environmental Management  
Permits Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

- ~~(b) A timely renewal application is one that is:~~

(1) Submitted at least nine (9) months prior to the date of the expiration of this permit;  
and

(2) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.

(c) If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-7 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified in writing by IDEM, OAQ any additional information identified as being needed to process the application.

~~B.18 Permit Amendment or Modification [326 IAC 2-7-11][326 IAC 2-7-12]~~

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(a) Permit amendments and modifications are governed by the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.

(b) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management  
Permits Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254

Any such application shall be certified by the "responsible official" as defined by 326 IAC 2-7-1(34).

(c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request.  
[326 IAC 2-7-11(c)(3)]

~~B.19 Permit Revision Under Economic Incentives and Other Programs  
[326 IAC 2-7-5(8)][326 IAC 2-7-12(b)(2)]~~

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(a) No Part 70 permit revision shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.

(b) Notwithstanding 326 IAC 2-7-12(b)(1) and 326 IAC 2-7-12(c)(1), minor Part 70 permit modification procedures may be used for Part 70 modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that such minor Part 70 permit modification procedures are explicitly provided for in the applicable State Implementation Plan (SIP) or in applicable requirements promulgated or approved by the U.S. EPA.

~~B.20 Operational Flexibility [326 IAC 2-7-20][326 IAC 2-7-10.5]~~

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(a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-7-20(b),(c), or (e) without a prior permit revision, if each of the following conditions is met:

- ~~(1) — The changes are not modifications under any provision of Title I of the Clean Air Act;~~
- ~~(2) — Any preconstruction approval required by 326 IAC 2-7-10.5 has been obtained;~~
- ~~(3) — The changes do not result in emissions which exceed the limitations provided in this permit (whether expressed herein as a rate of emissions or in terms of total emissions);~~
- ~~(4) — The Permittee notifies the:~~

~~Indiana Department of Environmental Management  
Permits Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

~~and~~

~~United States Environmental Protection Agency, Region V  
Air and Radiation Division, Regulation Development Branch—Indiana (AR-18J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590~~

~~in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and~~

- ~~(5) — The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to 326 IAC 2-7-20(b), (c), or (e). The Permittee shall make such records available, upon reasonable request, for public review.~~

~~Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-7-20(b)(1), (c)(1), and (e)(2).~~

- ~~(b) — The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(36)) without a permit revision, subject to the constraint of 326 IAC 2-7-20(a). For each such Section 502(b)(10) of the Clean Air Act change, the required written notification shall include the following:~~

- ~~(1) — A brief description of the change within the source;~~
- ~~(2) — The date on which the change will occur;~~
- ~~(3) — Any change in emissions; and~~
- ~~(4) — Any permit term or condition that is no longer applicable as a result of the change.~~

~~The notification which shall be submitted is not considered an application form, report or compliance certification. Therefore, the notification by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

- (c) ~~Emission Trades [326 IAC 2-7-20(c)]~~  
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-7-20(c).
- (d) ~~Alternative Operating Scenarios [326 IAC 2-7-20(d)]~~  
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-7-5(9). No prior notification of IDEM, OAQ, or U.S. EPA is required.
- (e) ~~Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.~~

B.21 Source Modification Requirement [326 IAC 2-7-10.5]

A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2 and 326 IAC 2-7-10.5.

B.22 Inspection and Entry [326 IAC 2-7-6][IC 13-14-2-2][IC 13-30-3-1][IC 13-17-3-2]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) ~~Enter upon the Permittee's premises where a Part 70 source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;~~
- (b) ~~As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy any records that must be kept under the conditions of this permit;~~
- (c) ~~As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;~~
- (d) ~~As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and~~
- (e) ~~As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.~~

B.23 Transfer of Ownership or Operational Control [326 IAC 2-7-11]

- (a) ~~The Permittee must comply with the requirements of 326 IAC 2-7-11 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.~~
- (b) ~~Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:~~

Indiana Department of Environmental Management  
Permits Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254

~~The application which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

- (c) ~~The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]~~

~~B.24 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)][326 IAC 2-1-1-7]~~

- (a) ~~The Permittee shall pay annual fees to IDEM, OAQ within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.~~

- (b) ~~Except as provided in 326 IAC 2-7-19(e), failure to pay may result in administrative enforcement action or revocation of this permit.~~

- (c) ~~The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.~~

~~B.25 Credible Evidence [326 IAC 2-7-5(3)][326 IAC 2-7-6][62 FR 8314] [326 IAC 1-1-6]~~

~~For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.~~

## **SECTION C SOURCE OPERATION CONDITIONS**

Entire Source

### **Emission Limitations and Standards [326 IAC 2-7-5(1)]**

#### **C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]**

Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.

#### **C.2 Opacity [326 IAC 5-1]**

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

#### **C.3 Open Burning [326 IAC 4-1] [IC 13-17-9]**

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.

#### **C.4 Incineration [326 IAC 4-2] [326 IAC 9-1-2]**

The Permittee shall not operate an incinerator or incinerate any waste or refuse except as provided in 326 IAC 4-2 and 326 IAC 9-1-2.

#### **C.5 Fugitive Dust Emissions [326 IAC 6-4]**

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right of way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions). 326 IAC 6-4-2(4) is not federally enforceable.

#### **C.6 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]**

- (a) Notification requirements apply to each owner or operator. If the combined amount of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.
- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:

- ~~(1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or~~
- ~~(2) If there is a change in the following:~~
- ~~(A) Asbestos removal or demolition start date;~~
  - ~~(B) Removal or demolition contractor; or~~
  - ~~(C) Waste disposal site.~~
- ~~(c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).~~
- ~~(d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).~~

~~All required notifications shall be submitted to:~~

~~Indiana Department of Environmental Management  
Asbestos Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-52 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

~~The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

- ~~(e) Procedures for Asbestos Emission Control  
The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1, emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.~~
- ~~(f) Demolition and Renovation  
The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).~~
- ~~(g) Indiana Licensed Asbestos Inspector  
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Licensed Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement to use an Indiana Licensed Asbestos inspector is not federally enforceable.~~

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### **Testing Requirements [326 IAC 2-7-6(1)]**

#### **C.7 Performance Testing [326 IAC 3-6]**

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- ~~(a) All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this permit, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ.~~

~~A test protocol, except as provided elsewhere in this permit, shall be submitted to:~~

~~Indiana Department of Environmental Management  
Compliance Data Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

~~no later than thirty five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

- ~~(b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~
- ~~(c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ if the Permittee submits to IDEM, OAQ, a reasonable written explanation not later than five (5) days prior to the end of the initial forty five (45) day period.~~

#### ~~Compliance Requirements [326 IAC 2-1.1-11]~~

##### ~~G.8 Compliance Requirements [326 IAC 2-1.1-11]~~

~~The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.~~

#### ~~Compliance Monitoring Requirements [326 IAC 2-7-5(1)][326 IAC 2-7-6(1)]~~

##### ~~G.9 Compliance Monitoring [326 IAC 2-7-5(3)][326 IAC 2-7-6(1)]~~

~~Unless otherwise specified in this permit, all monitoring and record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance. If required by Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment. If due to circumstances beyond its control, that equipment cannot be installed and operated within ninety (90) days, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:~~

~~Indiana Department of Environmental Management  
Compliance Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

~~in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.~~

~~The notification which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

~~Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a source modification shall be implemented when operation begins.~~

~~C.10 — Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]~~

~~Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60, Appendix B, 40 CFR 63, or other approved methods as specified in this permit.~~

~~C.11 — Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]~~

~~(a) — When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device shall have a scale such that the expected maximum reading for the normal range shall be no less than twenty percent (20%) of full scale.~~

~~(b) — The Permittee may request that the IDEM, OAQ approve the use of an instrument that does not meet the above specifications provided the Permittee can demonstrate that an alternative instrument specification will adequately ensure compliance with permit conditions requiring the measurement of the parameters.~~

**Corrective Actions and Response Steps [326 IAC 2-7-5][326 IAC 2-7-6]**

~~C.12 — Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]~~

~~— Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):~~

~~(a) — The Permittee shall prepare written emergency reduction plans (ERPs) consistent with safe operating procedures.~~

~~(b) — These ERPs shall be submitted for approval to:~~

~~Indiana Department of Environmental Management  
Compliance Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251~~

~~within ninety (90) days after the date of issuance of this permit.~~

~~The ERP does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).~~

~~(c) — If the ERP is disapproved by IDEM, OAQ, the Permittee shall have an additional thirty (30) days to resolve the differences and submit an approvable ERP.~~

~~(d) — These ERPs shall state those actions that will be taken, when each episode level is declared, to reduce or eliminate emissions of the appropriate air pollutants.~~

~~(e) — Said ERPs shall also identify the sources of air pollutants, the approximate amount of reduction of the pollutants, and a brief description of the manner in which the reduction will be achieved.~~

~~(f) — Upon direct notification by IDEM, OAQ that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. [326 IAC 1-5-3]~~

~~C.13 — Risk Management Plan [326 IAC 2-7-5(12)] [40 CFR 68]~~

~~If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.~~

~~C.14 — Response to Excursions or Exceedances [326 IAC 2-7-5] [326 IAC 2-7-6]~~

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- ~~(a) — Upon detecting an excursion or exceedance, the Permittee shall restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.~~
- ~~(b) — The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Corrective actions may include, but are not limited to, the following:
  - ~~(1) — initial inspection and evaluation;~~
  - ~~(2) — recording that operations returned to normal without operator action (such as through response by a computerized distribution control system); or~~
  - ~~(3) — any necessary follow up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.~~~~
- ~~(c) — A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:
  - ~~(1) — monitoring results;~~
  - ~~(2) — review of operation and maintenance procedures and records; and/or~~
  - ~~(3) — inspection of the control device, associated capture system, and the process.~~~~
- ~~(d) — Failure to take reasonable response steps shall be considered a deviation from the permit.~~
- ~~(e) — The Permittee shall maintain the following records:
  - ~~(1) — monitoring data;~~
  - ~~(2) — monitor performance data, if applicable; and~~
  - ~~(3) — corrective actions taken.~~~~

~~C.15 — Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-7-5][326 IAC 2-7-6]~~

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- ~~(a) — When the results of a stack test performed in conformance with Section C — Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate response actions. The Permittee shall submit a description of these response actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the response actions are being implemented.~~
- ~~(b) — A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one hundred twenty (120) days is not practicable, IDEM, OAQ may extend the retesting deadline.~~

~~(c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.~~

~~The response action documents submitted pursuant to this condition do require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

### ~~Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]~~

#### ~~C.16 Emission Statement [326 IAC 2-7-5(3)(C)(iii)] [326 IAC 2-7-5(7)] [326 IAC 2-7-19(c)] [326 IAC 2-6]~~

~~(a) Pursuant to 326 IAC 2-6-3(a)(1)(B), the Permittee shall submit an emission statement annually by July 1 covering the previous calendar year. The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4(c) and shall meet the following requirements:~~

~~(1) Indicate estimated actual emissions of all pollutants listed in 326 IAC 2-6-4(a);~~

~~(2) Indicate estimated actual emissions of regulated pollutants as defined by 326 IAC 2-7-1(32) ("Regulated pollutant, which is used only for purposes of Section 19 of this rule") from the source, for purpose of fee assessment.~~

~~The statement must be submitted to:~~

~~Indiana Department of Environmental Management  
Technical Support and Modeling Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-50 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

~~The emission statement does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

~~(b) The emission statement required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.~~

#### ~~C.17 General Record Keeping Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-6]~~

~~(a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.~~

~~(b) Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.~~

#### ~~C.18 General Reporting Requirements [326 IAC 2-7-5(3)(C)] [326 IAC 2-1.1-11]~~

~~(a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported. This report shall be submitted within thirty (30) days of the end of the reporting period.~~

~~The Quarterly Deviation and Compliance Monitoring Report shall include the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~

- ~~(b) — The report required in (a) of this condition and reports required by conditions in Section D of this permit shall be submitted to:~~

~~Indiana Department of Environmental Management  
Compliance Data Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2254~~

- ~~(c) — Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.~~
- ~~(d) — Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).~~
- ~~(e) — Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit "calendar year" means the twelve (12) month period from January 1 to December 31 inclusive.~~

### **Stratospheric Ozone Protection**

#### **C.19 — Compliance with 40 CFR 82 and 326 IAC 22-1**

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Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with the standards for recycling and emissions reduction:

- ~~(a) — Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 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 CFR 82.158.~~
- ~~(c) — Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.~~

### **Updated B and C Sections**

#### **SECTION B**

#### **GENERAL CONDITIONS**

##### **B.1 Definitions [326 IAC 2-7-1]**

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Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.

##### **B.2 Permit Term [326 IAC 2-7-5(2)][326 IAC 2-1.1-9.5][326 IAC 2-7-4(a)(1)(D)][IC 13-15-3-6(a)]**

- ~~(a) This permit, T129-25574-00037, is issued for a fixed term of five (5) years from the issuance date of this permit, as determined in accordance with IC 4-21.5-3-5(f) and~~

**IC 13-15-5-3. Subsequent revisions, modifications, or amendments of this permit do not affect the expiration date of this permit or of permits issued pursuant to Title IV of the Clean Air Act and 326 IAC 21 (Acid Deposition Control).**

- (b) If IDEM, OAQ, upon receiving a timely and complete renewal permit application, fails to issue or deny the permit renewal prior to the expiration date of this permit, this existing permit shall not expire and all terms and conditions shall continue in effect, including any permit shield provided in 326 IAC 2-7-15, until the renewal permit has been issued or denied.

**B.3 Term of Conditions [326 IAC 2-1.1-9.5]**

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Notwithstanding the permit term of a permit to construct, a permit to operate, or a permit modification, any condition established in a permit issued pursuant to a permitting program approved in the state implementation plan shall remain in effect until:

- (a) the condition is modified in a subsequent permit action pursuant to Title I of the Clean Air Act; or
- (b) the emission unit to which the condition pertains permanently ceases operation.

**B.4 Enforceability [326 IAC 2-7-7] [IC 13-17-12]**

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Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA) and by citizens in accordance with the Clean Air Act.

**B.5 Severability [326 IAC 2-7-5(5)]**

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The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

**B.6 Property Rights or Exclusive Privilege [326 IAC 2-7-5(6)(D)]**

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

**B.7 Duty to Provide Information [326 IAC 2-7-5(6)(E)]**

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- (a) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to IDEM, OAQ copies of records required to be kept by this permit.
- (b) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

**B.8 Certification [326 IAC 2-7-4(f)][326 IAC 2-7-6(1)][326 IAC 2-7-5(3)(C)]**

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- (a) A certification required by this permit meets the requirements of 326 IAC 2-7-6(1) if:
- (i) it contains a certification by a "responsible official" as defined by 326 IAC 2-7-1(34), and
- (ii) the certification is based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

- (b) The Permittee may use the attached Certification Form, or its equivalent with each submittal requiring certification. One (1) certification may cover multiple forms in one (1) submittal.
- (c) A "responsible official" is defined at 326 IAC 2-7-1(34).

**B.9 Annual Compliance Certification [326 IAC 2-7-6(5)]**

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- (a) The Permittee shall annually submit a compliance certification report which addresses the status of the source's compliance with the terms and conditions contained in this permit, including emission limitations, standards, or work practices. All certifications shall cover the time period from January 1 to December 31 of the previous year, and shall be submitted no later than July 1 of each year to:

Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

and

United States Environmental Protection Agency, Region V  
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.
- (d) The annual compliance certification report shall include the following:
  - (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
  - (2) The compliance status;
  - (3) Whether compliance was continuous or intermittent;
  - (4) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); and
  - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ may require to determine the compliance status of the source.

The submittal by the Permittee does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

**B.10 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)][326 IAC 2-7-6(1) and (6)][326 IAC 1-6-3]**

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- (a) A Preventive Maintenance Plan meets the requirements of 326 IAC 1-6-3 if it includes, at a minimum:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
  - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
  - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

The Permittee shall implement the PMPs.

- (b) If required by specific condition(s) in Section D of this permit where no PMP was previously required, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) no later than ninety (90) days after issuance of this permit or ninety (90) days after initial start-up, whichever is later, including the following information on each facility:
- (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
  - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
  - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond the Permittee's control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

The PMP extension notification does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

The Permittee shall implement the PMPs.

- (c) A copy of the PMPs shall be submitted to IDEM, OAQ upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions. The PMPs and their submittal do not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

- (d) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

**B.11 Emergency Provisions [326 IAC 2-7-16]**

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- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation.
- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:

- (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
- (2) The permitted facility was at the time being properly operated;
- (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
- (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, or Southwest Regional Office and Southeast Regional Office within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone Number: 1-800-451-6027 (ask for Office of Air Quality, Compliance and Enforcement Branch), or  
Telephone Number: 317-233-0178 (ask for Office of Air Quality, Compliance and Enforcement Branch)  
Facsimile Number: 317-233-6865  
Southwest Regional Office phone: (812) 380-2305; fax: (812) 380-2304.  
Southeast Regional Office phone: (812) 358-2027; fax: (812) 358-2058.

- (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-7-5(3)(C)(ii) and must contain the following:

- (A) A description of the emergency;

**(B) Any steps taken to mitigate the emissions; and**

**(C) Corrective actions taken.**

The notification which shall be submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

- (6) The Permittee immediately took all reasonable steps to correct the emergency.**
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.**
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.**
- (e) The Permittee seeking to establish the occurrence of an emergency shall make records available upon request to ensure that failure to implement a PMP did not cause or contribute to an exceedance of any limitations on emissions. However, IDEM, OAQ may require that the Preventive Maintenance Plans required under 326 IAC 2-7-4(c)(9) be revised in response to an emergency.**
- (f) Failure to notify IDEM, OAQ by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-7 and any other applicable rules.**
- (g) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.**

**B.12 Permit Shield [326 IAC 2-7-15][326 IAC 2-7-20][326 IAC 2-7-12]**

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- (a) Pursuant to 326 IAC 2-7-15, the Permittee has been granted a permit shield. The permit shield provides that compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that either the applicable requirements are included and specifically identified in this permit or the permit contains an explicit determination or concise summary of a determination that other specifically identified requirements are not applicable. The Indiana statutes from IC 13 and rules from 326 IAC, referenced in conditions in this permit, are those applicable at the time the permit was issued. The issuance or possession of this permit shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Part 70 permit under 326 IAC 2-7 or for applicable requirements for which a permit shield has been granted.**

This permit shield does not extend to applicable requirements which are promulgated after the date of issuance of this permit unless this permit has been modified to reflect such new requirements.

- (b) If, after issuance of this permit, it is determined that the permit is in nonconformance with an applicable requirement that applied to the source on the date of permit issuance, IDEM, OAQ, shall immediately take steps to reopen and**

revise this permit and issue a compliance order to the Permittee to ensure expeditious compliance with the applicable requirement until the permit is reissued. The permit shield shall continue in effect so long as the Permittee is in compliance with the compliance order.

- (c) No permit shield shall apply to any permit term or condition that is determined after issuance of this permit to have been based on erroneous information supplied in the permit application. Erroneous information means information that the Permittee knew to be false, or in the exercise of reasonable care should have been known to be false, at the time the information was submitted.
- (d) Nothing in 326 IAC 2-7-15 or in this permit shall alter or affect the following:
  - (1) The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the U.S. EPA under Section 303 of the Clean Air Act;
  - (2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of this permit's issuance;
  - (3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; and
  - (4) The ability of U.S. EPA to obtain information from the Permittee under Section 114 of the Clean Air Act.
- (e) This permit shield is not applicable to any change made under 326 IAC 2-7-20(b)(2) (Sections 502(b)(10) of the Clean Air Act changes) and 326 IAC 2-7-20(c)(2) (trading based on State Implementation Plan (SIP) provisions).
- (f) This permit shield is not applicable to modifications eligible for group processing until after IDEM, OAQ, has issued the modifications. [326 IAC 2-7-12(c)(7)]
- (g) This permit shield is not applicable to minor Part 70 permit modifications until after IDEM, OAQ, has issued the modification. [326 IAC 2-7-12(b)(8)]

**B.13 Prior Permits Superseded [326 IAC 2-1.1-9.5][326 IAC 2-7-10.5]**

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- (a) All terms and conditions of permits established prior to T129-25574-00037 and issued pursuant to permitting programs approved into the state implementation plan have been either:
  - (1) incorporated as originally stated,
  - (2) revised under 326 IAC 2-7-10.5, or
  - (4) deleted under 326 IAC 2-7-10.5.
- (b) Provided that all terms and conditions are accurately reflected in this permit, all previous registrations and permits are superseded by this Part 70 operating permit, except for permits issued pursuant to Title IV of the Clean Air Act and 326 IAC 21 (Acid Deposition Control)

**B.14 Termination of Right to Operate [326 IAC 2-7-10][326 IAC 2-7-4(a)]**

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The Permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least nine (9) months

prior to the date of expiration of the source's existing permit, consistent with 326 IAC 2-7-3 and 326 IAC 2-7-4(a).

**B.15 Permit Modification, Reopening, Revocation and Reissuance, or Termination**  
**[326 IAC 2-7-5(6)(C)][326 IAC 2-7-8(a)][326 IAC 2-7-9]**

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- (a) This permit may be modified, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Part 70 Operating Permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any condition of this permit. [326 IAC 2-7-5(6)(C)] The notification by the Permittee does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).
- (b) This permit shall be reopened and revised under any of the circumstances listed in IC 13-15-7-2 or if IDEM, OAQ determines any of the following:
- (1) That this permit contains a material mistake.
  - (2) That inaccurate statements were made in establishing the emissions standards or other terms or conditions.
  - (3) That this permit must be revised or revoked to assure compliance with an applicable requirement. [326 IAC 2-7-9(a)(3)]
- (c) Proceedings by IDEM, OAQ to reopen and revise this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening and revision shall be made as expeditiously as practicable. [326 IAC 2-7-9(b)]
- (d) The reopening and revision of this permit, under 326 IAC 2-7-9(a), shall not be initiated before notice of such intent is provided to the Permittee by IDEM, OAQ at least thirty (30) days in advance of the date this permit is to be reopened, except that IDEM, OAQ may provide a shorter time period in the case of an emergency. [326 IAC 2-7-9(c)]

**B.16 Permit Renewal [326 IAC 2-7-3][326 IAC 2-7-4][326 IAC 2-7-8(e)]**

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- (a) The application for renewal shall be submitted using the application form or forms prescribed by IDEM, OAQ and shall include the information specified in 326 IAC 2-7-4. Such information shall be included in the application for each emission unit at this source, except those emission units included on the trivial or insignificant activities list contained in 326 IAC 2-7-1(21) and 326 IAC 2-7-1(40). The renewal application does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

Request for renewal shall be submitted to:

Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

- (b) A timely renewal application is one that is:

- (1) Submitted at least nine (9) months prior to the date of the expiration of this permit; and
- (2) If the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.
- (c) If the Permittee submits a timely and complete application for renewal of this permit, the source's failure to have a permit is not a violation of 326 IAC 2-7 until IDEM, OAQ takes final action on the renewal application, except that this protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit by the deadline specified, pursuant to 326 IAC 2-7-4(a)(2)(D), in writing by IDEM, OAQ any additional information identified as being needed to process the application.

**B.17 Permit Amendment or Modification [326 IAC 2-7-11][326 IAC 2-7-12] [40 CFR 72]**

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- (a) Permit amendments and modifications are governed by the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.
- (b) Pursuant to 326 IAC 2-7-11(b) and 326 IAC 2-7-12(a), administrative Part 70 operating permit amendments and permit modifications for purposes of the acid rain portion of a Part 70 permit shall be governed by regulations promulgated under Title IV of the Clean Air Act. [40 CFR 72]
- (c) Any application requesting an amendment or modification of this permit shall be submitted to:  
  

Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

Any such application does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).
- (d) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

**B.18 Permit Revision Under Economic Incentives and Other Programs  
[326 IAC 2-7-5(8)][326 IAC 2-7-12(b)(2)]**

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- (a) No Part 70 permit revision or notice shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit.
- (b) Notwithstanding 326 IAC 2-7-12(b)(1) and 326 IAC 2-7-12(c)(1), minor Part 70 permit modification procedures may be used for Part 70 modifications involving the use of economic incentives, marketable Part 70 permits, emissions trading, and other similar approaches to the extent that such minor Part 70 permit modification procedures are explicitly provided for in the applicable State Implementation Plan

**(SIP) or in applicable requirements promulgated or approved by the U.S. EPA.**

**B.19 Operational Flexibility [326 IAC 2-7-20][326 IAC 2-7-10.5]**

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**(a) The Permittee may make any change or changes at the source that are described in 326 IAC 2-7-20(b),(c), or (e) without a prior permit revision, if each of the following conditions is met:**

- (1) The changes are not modifications under any provision of Title I of the Clean Air Act;**
- (2) Any preconstruction approval required by 326 IAC 2-7-10.5 has been obtained;**
- (3) The changes do not result in emissions which exceed the limitations provided in this permit (whether expressed herein as a rate of emissions or in terms of total emissions);**

**(4) The Permittee notifies the:**

**Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251**

**and**

**United States Environmental Protection Agency, Region V  
Air and Radiation Division, Regulation Development Branch - Indiana (AR-18J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590**

**in advance of the change by written notification at least ten (10) days in advance of the proposed change. The Permittee shall attach every such notice to the Permittee's copy of this permit; and**

**(5) The Permittee maintains records on-site, on a rolling five (5) year basis, which document all such changes and emission trades that are subject to 326 IAC 2-7-20(b),(c), or (e). The Permittee shall make such records available, upon reasonable request, for public review.**

**Such records shall consist of all information required to be submitted to IDEM, OAQ in the notices specified in 326 IAC 2-7-20(b)(1), (c)(1), and (e)(2).**

**(b) The Permittee may make Section 502(b)(10) of the Clean Air Act changes (this term is defined at 326 IAC 2-7-1(36)) without a permit revision, subject to the constraint of 326 IAC 2-7-20(a). For each such Section 502(b)(10) of the Clean Air Act change, the required written notification shall include the following:**

- (1) A brief description of the change within the source;**
- (2) The date on which the change will occur;**
- (3) Any change in emissions; and**

- (4) Any permit term or condition that is no longer applicable as a result of the change.

The notification which shall be submitted is not considered an application form, report or compliance certification. Therefore, the notification by the Permittee does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) **Emission Trades [326 IAC 2-7-20(c)]**  
The Permittee may trade emissions increases and decreases at the source, where the applicable SIP provides for such emission trades without requiring a permit revision, subject to the constraints of Section (a) of this condition and those in 326 IAC 2-7-20(c).
- (d) **Alternative Operating Scenarios [326 IAC 2-7-20(d)]**  
The Permittee may make changes at the source within the range of alternative operating scenarios that are described in the terms and conditions of this permit in accordance with 326 IAC 2-7-5(9). No prior notification of IDEM, OAQ, or U.S. EPA is required.
- (e) **Backup fuel switches specifically addressed in, and limited under, Section D of this permit shall not be considered alternative operating scenarios. Therefore, the notification requirements of part (a) of this condition do not apply.**
- (f) **This condition does not apply to emission trades of SO<sub>2</sub> or NO<sub>x</sub> under 326 IAC 21 or 326 IAC 10-4.**

**B.20 Source Modification Requirement [326 IAC 2-7-10.5]**

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A modification, construction, or reconstruction is governed by the requirements of 326 IAC 2.

**B.21 Inspection and Entry [326 IAC 2-7-6][IC 13-14-2-2][IC 13-30-3-1][IC 13-17-3-2]**

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Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a Part 70 source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy any records that must be kept under the conditions of this permit;
- (c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and

- (e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

**B.22 Transfer of Ownership or Operational Control [326 IAC 2-7-11]**

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- (a) The Permittee must comply with the requirements of 326 IAC 2-7-11 whenever the Permittee seeks to change the ownership or operational control of the source and no other change in the permit is necessary.
- (b) Any application requesting a change in the ownership or operational control of the source shall contain a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new Permittee. The application shall be submitted to:

Indiana Department of Environmental Management  
Permit Administration and Support Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

Any such application does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

- (c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

**B.23 Annual Fee Payment [326 IAC 2-7-19] [326 IAC 2-7-5(7)][326 IAC 2-1.1-7]**

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- (a) The Permittee shall pay annual fees to IDEM, OAQ within thirty (30) calendar days of receipt of a billing. Pursuant to 326 IAC 2-7-19(b), if the Permittee does not receive a bill from IDEM, OAQ the applicable fee is due April 1 of each year.
- (b) Except as provided in 326 IAC 2-7-19(e), failure to pay may result in administrative enforcement action or revocation of this permit.
- (c) The Permittee may call the following telephone numbers: 1-800-451-6027 or 317-233-4230 (ask for OAQ, Billing, Licensing, and Training Section), to determine the appropriate permit fee.

**B.24 Advanced Source Modification Approval [326 IAC 2-7-5(16)] [326 IAC 2-7-10.5]**

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- (a) The requirements to obtain a source modification approval under 326 IAC 2-7-10.5 or a permit modification under 326 IAC 2-7-12 are satisfied by this permit for the proposed emission units, control equipment or insignificant activities in Sections A.2 and A.3.
- (b) Pursuant to 326 IAC 2-1.1-9 any permit authorizing construction may be revoked if construction of the emission unit has not commenced within eighteen (18) months from the date of issuance of the permit, or if during the construction, work is suspended for a continuous period of one (1) year or more.

**B.25 Credible Evidence [326 IAC 2-7-5(3)][326 IAC 2-7-6][62 FR 8314] [326 IAC 1-1-6]**

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any condition of this permit, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the Permittee would have been in compliance with the condition of this permit if the appropriate performance or compliance test or procedure had been performed.

**SECTION C SOURCE OPERATION CONDITIONS**

Entire Source

**Emission Limitations and Standards [326 IAC 2-7-5(1)]**

**C.1 Particulate Emission Limitations For Processes with Process Weight Rates Less Than One Hundred (100) Pounds per Hour [326 IAC 6-3-2]**

Pursuant to 326 IAC 6-3-2(e)(2), particulate emissions from any process not exempt under 326 IAC 6-3-1(b) or (c) which has a maximum process weight rate less than 100 pounds per hour and the methods in 326 IAC 6-3-2(b) through (d) do not apply shall not exceed 0.551 pounds per hour.

**C.2 Opacity [326 IAC 5-1]**

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-1 (Applicability) and 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

**C.3 Open Burning [326 IAC 4-1] [IC 13-17-9]**

The Permittee shall not open burn any material except as provided in 326 IAC 4-1-3, 326 IAC 4-1-4 or 326 IAC 4-1-6. The previous sentence notwithstanding, the Permittee may open burn in accordance with an open burning approval issued by the Commissioner under 326 IAC 4-1-4.1.

**C.4 Incineration [326 IAC 4-2] [326 IAC 9-1-2]**

The Permittee shall not operate an incinerator except as provided in 326 IAC 4-2 or in this permit. The Permittee shall not operate a refuse incinerator or refuse burning equipment except as provided in 326 IAC 9-1-2 or in this permit.

**C.5 Fugitive Dust Emissions [326 IAC 6-4]**

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions). 326 IAC 6-4-2(4) is not federally enforceable.

**C.6 Asbestos Abatement Projects [326 IAC 14-10] [326 IAC 18] [40 CFR 61, Subpart M]**

- (a) Notification requirements apply to each owner or operator. If the combined amount

**of regulated asbestos containing material (RACM) to be stripped, removed or disturbed is at least 260 linear feet on pipes or 160 square feet on other facility components, or at least thirty-five (35) cubic feet on all facility components, then the notification requirements of 326 IAC 14-10-3 are mandatory. All demolition projects require notification whether or not asbestos is present.**

- (b) The Permittee shall ensure that a written notification is sent on a form provided by the Commissioner at least ten (10) working days before asbestos stripping or removal work or before demolition begins, per 326 IAC 14-10-3, and shall update such notice as necessary, including, but not limited to the following:**
  - (1) When the amount of affected asbestos containing material increases or decreases by at least twenty percent (20%); or**
  - (2) If there is a change in the following:**
    - (A) Asbestos removal or demolition start date;**
    - (B) Removal or demolition contractor; or**
    - (C) Waste disposal site.**
- (c) The Permittee shall ensure that the notice is postmarked or delivered according to the guidelines set forth in 326 IAC 14-10-3(2).**
- (d) The notice to be submitted shall include the information enumerated in 326 IAC 14-10-3(3).**

**All required notifications shall be submitted to:**

**Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251**

**The notice shall include a signed certification from the owner or operator that the information provided in this notification is correct and that only Indiana licensed workers and project supervisors will be used to implement the asbestos removal project. The notifications do not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).**

- (e) Procedures for Asbestos Emission Control**

**The Permittee shall comply with the applicable emission control procedures in 326 IAC 14-10-4 and 40 CFR 61.145(c). Per 326 IAC 14-10-1, emission control requirements are applicable for any removal or disturbance of RACM greater than three (3) linear feet on pipes or three (3) square feet on any other facility components or a total of at least 0.75 cubic feet on all facility components.**
- (f) Demolition and Renovation**

**The Permittee shall thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos pursuant to 40 CFR 61.145(a).**

- (g) Indiana Licensed Asbestos Inspector**  
The Permittee shall comply with 326 IAC 14-10-1(a) that requires the owner or operator, prior to a renovation/demolition, to use an Indiana Licensed Asbestos Inspector to thoroughly inspect the affected portion of the facility for the presence of asbestos. The requirement to use an Indiana Licensed Asbestos inspector is not federally enforceable.

**Testing Requirements [326 IAC 2-7-6(1)]**

**C.7 Performance Testing [326 IAC 3-6]**

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- (a) For performance testing required by this permit, a test protocol, except as provided elsewhere in this permit, shall be submitted to:**

Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).**
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ if the Permittee submits to IDEM, OAQ a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.**

**Compliance Requirements [326 IAC 2-1.1-11]**

**C.8 Compliance Requirements [326 IAC 2-1.1-11]**

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The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

**Compliance Monitoring Requirements [326 IAC 2-7-5(1)][326 IAC 2-7-6(1)]**

**C.9 Compliance Monitoring [326 IAC 2-7-5(3)][326 IAC 2-7-6(1)]**

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Unless otherwise specified in this permit, for all monitoring requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or of initial start-up, whichever is later, to begin such monitoring. If due to circumstances beyond the Permittee's control, any monitoring equipment required by this permit cannot be installed and operated no later than ninety (90) days after permit issuance or the date of initial startup, whichever is later, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

**Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251**

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

Unless otherwise specified in the approval for the new emission unit(s), compliance monitoring for new emission units or emission units added through a source modification shall be implemented when operation begins.

**C.10 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]**

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Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60, Appendix B, 40 CFR 63, or other approved methods as specified in this permit.

**C.11 Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]**

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- (a) When required by any condition of this permit, an analog instrument used to measure a parameter related to the operation of an air pollution control device shall have a scale such that the expected maximum reading for the normal range shall be no less than twenty percent (20%) of full scale.
- (c) The Permittee may request that the IDEM, OAQ approve the use of an instrument that does not meet the above specifications provided the Permittee can demonstrate that an alternative instrument specification will adequately ensure compliance with permit conditions requiring the measurement of the parameters.

**Corrective Actions and Response Steps [326 IAC 2-7-5][326 IAC 2-7-6]**

**C.12 Emergency Reduction Plans [326 IAC 1-5-2] [326 IAC 1-5-3]**

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Pursuant to 326 IAC 1-5-2 (Emergency Reduction Plans; Submission):

- (a) The Permittee shall maintain the most recently submitted written emergency reduction plans (ERPs) consistent with safe operating procedures.
- (b) Upon direct notification by IDEM, OAQ that a specific air pollution episode level is in effect, the Permittee shall immediately put into effect the actions stipulated in the approved ERP for the appropriate episode level. [326 IAC 1-5-3]

**C.13 Risk Management Plan [326 IAC 2-7-5(12)] [40 CFR 68]**

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If a regulated substance, as defined in 40 CFR 68, is present at a source in more than a threshold quantity, the Permittee must comply with the applicable requirements of 40 CFR 68.

**C.14 Response to Excursions or Exceedances [326 IAC 2-7-5] [326 IAC 2-7-6]**

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Upon detecting an excursion where a response step is required by the D Section or an exceedance of a limitation in this permit:

- (a) **The Permittee shall take reasonable response steps to restore operation of the emissions unit (including any control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing excess emissions.**
- (b) **The response shall include minimizing the period of any startup, shutdown or malfunction. The response may include, but is not limited to, the following:**
  - (1) **initial inspection and evaluation;**
  - (2) **recording that operations returned or are returning to normal without operator action (such as through response by a computerized distribution control system); or**
  - (3) **any necessary follow-up actions to return operation to normal or usual manner of operation.**
- (c) **A determination of whether the Permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include, but is not limited to, the following:**
  - (1) **monitoring results;**
  - (2) **review of operation and maintenance procedures and records; and/or**
  - (3) **inspection of the control device, associated capture system, and the process.**
- (d) **Failure to take reasonable response steps shall be considered a deviation from the permit.**
- (e) **The Permittee shall record the reasonable response steps taken.**

**C.15 Actions Related to Noncompliance Demonstrated by a Stack Test**  
**[326 IAC 2-7-5][326 IAC 2-7-6]**

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- (a) **When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall submit a description of its response actions to IDEM, OAQ, no later than seventy-five (75) days after the date of the test.**
- (b) **A retest to demonstrate compliance shall be performed no later than one hundred eighty (180) days after the date of the test. Should the Permittee demonstrate to IDEM, OAQ that retesting in one hundred eighty (180) days is not practicable, IDEM, OAQ may extend the retesting deadline**
- (c) **IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.**

**The response action documents submitted pursuant to this condition do require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).**

## **Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]**

### **C.16 Emission Statement [326 IAC 2-7-5(3)(C)(iii)][326 IAC 2-7-5(7)][326 IAC 2-7-19(c)][326 IAC 2-6]**

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Pursuant to 326 IAC 2-6-3(a)(1), the Permittee shall submit by July 1 of each year an emission statement covering the previous calendar year. The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4(c) and shall meet the following requirements:

- (1) Indicate estimated actual emissions of all pollutants listed in 326 IAC 2-6-4(a);
- (3) Indicate estimated actual emissions of regulated pollutants as defined by 326 IAC 2-7-1(32) ("Regulated pollutant, which is used only for purposes of Section 19 of this rule") from the source, for purpose of fee assessment.

The statement must be submitted to:

Indiana Department of Environmental Management  
Technical Support and Modeling Section, Office of Air Quality  
100 North Senate Avenue  
MC 61-50 IGCN 1003  
Indianapolis, Indiana 46204-2251

The emission statement does require a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34).

### **C.17 General Record Keeping Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-6]**

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- (a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Unless otherwise specified in this permit, for all record keeping requirements not already legally required, the Permittee shall be allowed up to ninety (90) days from the date of permit issuance or the date of initial start-up, whichever is later, to begin such record keeping.

### **C.18 General Reporting Requirements [326 IAC 2-7-5(3)(C)] [326 IAC 2-1.1-11]**

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- (a) The Permittee shall submit the attached Quarterly Deviation and Compliance Monitoring Report or its equivalent. Any deviation from permit requirements, the date(s) of each deviation, the cause of the deviation, and the response steps taken must be reported except that a deviation required to be reported pursuant to an applicable requirement that exists independent of this permit, shall be reported according to the schedule stated in the applicable requirement and does not need to be included in this report. This report shall be submitted not later than thirty (30) days after the end of the reporting period. The Quarterly Deviation and Compliance Monitoring Report shall include a certification that meets the requirements of 326 IAC 2-7-6(1) by a "responsible official" as defined by 326 IAC 2-7-1(34). A deviation is an exceedance of a permit limitation or a failure to comply with a requirement of the permit.

**(b) The address for report submittal is:**

**Indiana Department of Environmental Management  
Compliance and Enforcement Branch, Office of Air Quality  
100 North Senate Avenue  
MC 61-53 IGCN 1003  
Indianapolis, Indiana 46204-2251**

- (c) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.**
- (d) Reporting periods are based on calendar years, unless otherwise specified in this permit. For the purpose of this permit “calendar year” means the twelve (12) month period from January 1 to December 31 inclusive.**

**Stratospheric Ozone Protection**

**C.19 Compliance with 40 CFR 82 and 326 IAC 22-1**

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**Pursuant to 40 CFR 82 (Protection of Stratospheric Ozone), Subpart F, except as provided for motor vehicle air conditioners in Subpart B, the Permittee shall comply with applicable standards for recycling and emissions reduction.**

**Change No. 22:** In accordance with Change No. 6, the following changes have been made to the D Sections of the Permit:

**D.1.1 Preventive Maintenance Plan [326 IAC 2-7-5(13)]**

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~~A Preventive Maintenance Plan, in accordance with Section B – Preventive Maintenance Plan, of this permit,~~ is required for Tanks Nos. 23, 27, 28, 31, 32, Skid Tank, Dock Tank, Upstream Barge Containment and Downstream Barge Containment, barge loading and unloading facilities and any control devices.

**Section B - Preventive Maintenance Plan contains the Permittee's obligation with regard to the preventive maintenance plan required by this condition.**

**Indiana Department of Environmental Management**  
Office of Air Quality

Technical Support Document (TSD) for a Part 70 Operating Permit Renewal

**Source Background and Description**

<b>Source Name:</b>	Countrymark Cooperative, LLP
<b>Source Location:</b>	South Mann and West Ohio St., Mount Vernon, IN 47620
<b>County:</b>	Posey
<b>SIC Code:</b>	2911
<b>Permit Renewal No.:</b>	T129-25574-00037
<b>Permit Reviewer:</b>	RLO

The Office of Air Quality (OAQ) has reviewed the operating permit renewal application from Countrymark Cooperative, LLP, relating to the operation of a stationary petroleum refinery marine vessel loading and unloading dock.

**History**

On October 18, 2008, Countrymark Cooperative, LLP, submitted an application to the OAQ requesting to renew its operating permit. Countrymark Cooperative, LLP, was issued a Part 70 Operating Permit on August 22, 2003.

**Source Definition**

This marine vessel loading and unloading river dock terminal consists of two (2) plants:

- (a) Plant 1, the refinery, is located at 1200 Refinery Road, Mount Vernon, Indiana 47620; and,
- (b) Plant 2, the river dock terminal, is located at South Mann Street and Ohio Street, Mount Vernon, Indiana 47620.

On November 24, 2003, in Significant Permit Modification (129-17940-00003), a source determination concluded that Plant 1 (the refinery) and Plant 2 (the river dock terminal) are under the common control of Countrymark Cooperative, LLP and will be considered one source. These two plants are considered one source because they are located on adjacent properties, are under common ownership, and belong to the same industrial grouping. Therefore, the term "source" in the Part 70 documents refers to both Plant 1 and Plant 2 as one source.

Separate Part 70 renewal permits are being issued to Countrymark Cooperative, LLP, solely for administrative purposes:

- (a) Plant 1, 129-00003: T129-25424-00003
- (b) Plant 2, 129-00037: T129-25574-00037

**Permitted Emission Units and Pollution Control Equipment**

- (a) One (1) fixed roof cone tank, identified as Tank No. 23, constructed in 1942, with a capacity of 9,828 gallons;
- (b) One (1) fixed roof cone tank, identified as Tank No. 27, constructed in 1961, with a capacity of 42,000 gallons;
- (c) One (1) fixed roof cone tank, identified as Tank No. 28, constructed in 1961, with a capacity of 42,000 gallons;

- (d) One (1) fixed roof cone tank, identified as Tank No. 31, constructed in 1942, with a capacity of 8,274 gallons;
- (e) One (1) fixed roof cone tank, identified as Tank No. 32, constructed in 1942, with a capacity of 9,744 gallons;
- (f) One (1) tank, identified as Skid Tank, constructed in 1960, with a capacity of 576 gallons;
- (g) One (1) tank, identified as Dock Tank, constructed in 1950, with a capacity of 564 gallons;
- (h) One (1) upstream barge containment, constructed in 1942, with a capacity of 12,209 gallons;
- (i) One (1) downstream barge containment, constructed in 1942, with a capacity of 12,209 gallons;
- (j) One (1) barge loading and unloading facility, constructed in 1952;
- (k) Pipeline Valves: Gas Stream;
- (l) Pipeline Valves: Light Liquid;
- (m) Pipeline Valves: Heavy Liquid;
- (n) Open Ended Valves;
- (o) Flanges;
- (p) Pump Seals: Light Liquid;
- (q) Pump Seals: Heavy Liquid;
- (r) Drains; and
- (s) Vessel RV's.

### **Insignificant Activities**

The source also consists of the following insignificant activities, as defined in 326 IAC 2-7-1(21):

- (a) Three (3) silos with polyester bag filters, installed in the late 1950's, containing lime, soda ash, and ferric sulfate used to process water for the plant.

### **Existing Approvals**

Since the issuance of the Part 70 Operating Permit T129-7742-00037 on August 22, 2003, the source has constructed or has been operating under the following approvals as well:

- (a) Significant Permit Modification No. 129-22113-00037 issued on March 29, 2006.

All terms and conditions of previous permits issued pursuant to permitting programs approved into the state implementation plan have been either incorporated as originally stated, revised, or deleted by this permit. All previous registrations and permits are superseded by this permit.

## Enforcement Issue

There are no enforcement actions pending.

## Emission Calculations

The calculations submitted by the applicant have been verified and found to be accurate and correct. These calculations are provided in Appendix A of this document.

## County Attainment Status

The source is located in Posey County.

Pollutant	Designation
SO <sub>2</sub>	Better than national standards.
CO	Unclassifiable or attainment effective November 15, 1990.
O <sub>3</sub>	Unclassifiable or attainment effective June 15, 2004, for the 8-hour ozone standard. <sup>1</sup>
PM <sub>10</sub>	Unclassifiable effective November 15, 1990.
NO <sub>2</sub>	Cannot be classified or better than national standards.
Pb	Not designated.

<sup>1</sup>Unclassifiable or attainment effective October 18, 2000, for the 1-hour ozone standard which was revoked effective June 15, 2005.  
Unclassifiable or attainment effective April 5, 2005, for PM<sub>2.5</sub>.

(a) Ozone Standards

- (1) On October 25, 2006, the Indiana Air Pollution Control Board finalized a rule revision to 326 IAC 1-4-1 revoking the one-hour ozone standard in Indiana.
- (2) On September 6, 2007, the Indiana Air Pollution Control Board finalized a temporary emergency rule to re-designate Allen, Clark, Elkhart, Floyd, LaPorte, and St. Joseph Counties as attainment for the 8-hour ozone standard.
- (3) On November 9, 2007, the Indiana Air Pollution Control Board finalized a temporary emergency rule to re-designate Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, and Shelby Counties as attainment for the 8-hour ozone standard.
- (4) Volatile organic compounds (VOC) and Nitrogen Oxides (NOx) are regulated under the Clean Air Act (CAA) for the purposes of attaining and maintaining the National Ambient Air Quality Standards (NAAQS) for ozone. Therefore, VOC and NOx emissions are considered when evaluating the rule applicability relating to ozone. Posey County has been designated as attainment or unclassifiable for ozone. Therefore, VOC and NOx emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

- (b) Posey County has been classified as attainment for PM<sub>2.5</sub>. On May 8, 2008, U.S. EPA promulgated the requirements for Prevention of Significant Deterioration (PSD) for PM<sub>2.5</sub> emissions. The effective date of these rules is July 15, 2008. Indiana has three years from the publication of these rules to revise its PSD rules, 326 IAC 2-2, to include those requirements. The May 8, 2008 rule revisions require IDEM to regulate PM<sub>10</sub> emissions as a surrogate for PM<sub>2.5</sub> emissions until 326 IAC 2-2 is revised.

(c) Other Criteria Pollutants

Posey County has been classified as attainment or unclassifiable in Indiana for PM<sub>10</sub>, NO<sub>2</sub>, SO<sub>2</sub>, Pb, and CO. Therefore, these emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.

(d) Fugitive Emissions

Since this petroleum refinery is one of the twenty-eight (28) listed source categories under 326 IAC 2-2, fugitive emissions are counted toward the determination of PSD applicability.

**Unrestricted Potential Emissions**

This table reflects the unrestricted potential emissions of the source.

Pollutant	tons/year
PM	greater than 100
PM <sub>10</sub>	greater than 100
SO <sub>2</sub>	greater than 100
VOC	greater than 100
CO	greater than 100
NO <sub>x</sub>	greater than 100

HAPs*	tons/year
Single HAP	Greater than 10
Total HAPs	Greater than 25

- (a) The potential to emit (as defined in 326 IAC 2-7-1(29)) of VOC is equal to or greater than 100 tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-7.
- (b) The potential to emit (as defined in 326 IAC 2-7-1(29)) of all other criteria pollutants are less than 100 tons per year.
- (c) The potential to emit (as defined in 326 IAC 2-7-1(29)) of any single HAP is equal to or greater than ten (10) tons per year and/or the potential to emit (as defined in 326 IAC 2-7-1(29)) of a combination of HAPs is equal to or greater than twenty-five (25) tons per year. Therefore, the source is subject to the provisions of 326 IAC 2-7.

**Actual Emissions**

The following table shows the actual emissions from the Plant 1. This information reflects the 2006 OAQ emission data.

Pollutant	Actual Emissions (tons/year)
PM	Not Reported
PM <sub>10</sub>	55
SO <sub>2</sub>	906
VOC	171
CO	172
NO <sub>x</sub>	365
HAP	Not Reported

The following table shows the actual emissions from the Plant 2. This information reflects the 2006 OAQ emission data.

<b>Pollutant</b>	<b>Actual Emissions (tons/year)</b>
PM	Not Reported
PM <sub>10</sub>	Not Reported
SO <sub>2</sub>	Not Reported
VOC	3.0
CO	Not Reported
NO <sub>x</sub>	Not Reported
HAP	Not Reported

### **Part 70 Permit Conditions**

This source is subject to the requirements of 326 IAC 2-7, pursuant to which the source has to meet the following:

- (a) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of issuance of Part 70 permits.
- (b) Monitoring and related record keeping requirements which assume that all reasonable information is provided to evaluate continuous compliance with the applicable requirements.

### **Potential to Emit After Issuance**

The table below summarizes the potential to emit, reflecting all limits, of the significant emission units after controls. The control equipment is considered federally enforceable only after issuance of this Part 70 operating permit.

Potential to Emit (tons/year)							
Process/facility	PM	PM-10	SO <sub>2</sub>	VOC	CO	NO <sub>x</sub>	HAPs
Tanks 23, 27, 28, 31, 32, Skid Tank, Dock Tank, Upstream Barge Containment, Downstream Barge Containment	--	--	--	326.25	--	--	17.33 (total) 5.29 (single)
Fugitive Emissions*	--	--	--	0.39	--	--	--
Total Emissions (Plant 2)	--	--	--	330.58	--	--	17.33 (total) 5.29 (single)
Total Emissions (Plant 1)	303.36	138.44	8,710.57	5,462.47	10,359.57	851.53	1,733.4 (total) 761.61 (single)
Total Emissions (Plant 1 + Plant 2)	303.36	138.44	8,710.57	5,789.11	10,359.57	851.53	1,750.73 (total) 766.90 (single)
Major Source Threshold (Part 70)	NA	100	100	100	100	100	10 single 25 total
Major Source Threshold (PSD)	100	100	100	100	100	100	NA

\* Fugitive Emissions consist of barge loading and unloading, pipeline valves: gas stream, pipeline valves: light liquid, pipeline valves: heavy liquid, open ended valves, flanges, pump seals: light liquid, pump seals: heavy liquid, drains and vessel rv's. The fugitive emissions were provided by the source.

- (a) This existing stationary source is major for PSD because the emissions of at least one criteria pollutant are greater than one hundred (>100) tons per year, and it is one of the twenty-eight (28) listed source categories.

**Federal Rule Applicability**

- (a) Tanks Nos. 23, 27, 28, 31, 32, Skid Tank, Dock Tank, Upstream Barge Containment and Downstream Barge Containment are not subject to the New Source Performance Standard, 326 IAC 12, 40 CFR Part 60.110, Subpart K (Volatile Organic Liquid Storage Vessels) because the tanks were constructed or modified prior to June 11, 1973.
- (b) This facility is not subject to the New Source Performance Standard, 326 IAC 12, 40 CFR Part 60.100, Subpart J (Standards of Performance for Petroleum Refineries) because the facility was constructed or modified prior to June 11, 1973. Therefore these requirements are not included in the permit.
- (c) This facility is not subject to the New Source Performance Standard, 326 IAC 12, 40 CFR Part 60.590, Subpart GGG (Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006) because the facility was constructed or modified prior to January 4, 1983. Therefore these requirements are not included in the permit.
- (d) This facility is not subject to the New Source Performance Standard, 326 IAC 12, 40 CFR Part 60.690, Subpart QQQ (Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems) because the provisions of this subpart apply to

affected facilities located in petroleum refineries for which construction, modification, or reconstruction is commenced after May 4, 1987. This facility was constructed or modified prior to May 4, 1987. Therefore these requirements are not included in the permit.

- (e) This facility is not subject to the New Source Performance Standard, 326 IAC 12, (40 CFR Part 60.500, Subpart XX) "Standards of Performance for Bulk Gasoline Terminals", which are incorporated by reference in 326 IAC 12-1-1. However, pursuant to 40 CFR Part 63.422(a) (Subpart R), the one (1) barge loading and unloading facility is subject to the following requirements of 40 CFR Part 60, Subpart XX. Nonapplicable portions of the 40 CFR Part 60, Subpart XX will not be included in the permit.
  - (1) 40 CFR Part 60.502
- (f) This facility is not subject to 40 CFR Part 61, Subpart J (National Emission Standard for Equipment Leaks of Benzene) because this subpart applies to sources that are intended to operate in benzene service. In benzene service is defined as a piece of equipment either contains or contacts a fluid (Liquid or gas) that is at least 10 percent benzene by weight as determined according to the provisions of §61.245(d). The fuel that is handled by this facility contains less than 10 percent benzene. Therefore these requirements are not included in the permit.
- (g) This source is not subject to 40 CFR Part 63, Subpart Y (National Emission Standards for Marine Tank Vessel Loading Operations), because it does not have an annual throughput greater than or equal to ten (10) million barrels of gasoline or two hundred (200) million barrels of crude oil. Therefore the requirements of Subpart Y do not apply to the source, and are not included in the permit.
- (h) This facility is not subject to 40 CFR Part 61, Subpart V (National Emission Standard for Equipment Leaks) because this subpart applies to sources that are in VHAP service. In VHAP service is defined as a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 10 percent by weight a volatile hazardous air pollutant (VHAP). The fuel that is handled by this facility contains less than 10 percent of a single VHAP. Therefore these requirements are not included in the permit.
- (i) This facility is not subject to 40 CFR Part 63, Subpart H (National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks). The provisions of this subpart only apply to sources that are subject to a specific subpart in 40 CFR Part 63 that references Subpart H. The facilities at Plant 2 (river dock terminal) are only subject to one part of 40 CFR Part 63, Subpart CC and portions of 40 CFR Part 63, Subpart R; Subpart H is not referenced in any of the applicable Subparts. Therefore, these requirements are not included in the permit.
- (j) This source (Plant 1 and Plant 2) will emit greater than ten (10) tons per year for a single HAP and greater than twenty-five (25) tons per year for a combination of HAPs. The Refinery portion of the source is subject to 40 CFR Part 63, Subpart CC (National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries) which will be included in Administrative Title V Operating Permit No. T129-25424-00037. Pursuant to 40 CFR 63.420 (i), Subpart R, a bulk gasoline terminal or pipeline breakout station with a SIC code 2911, located within a contiguous area and under common control with a refinery is subject to Subpart CC, 63.650. Therefore, one (1) barge loading and unloading facility associated with Plant 2 and permitted under this Administrative Title V Operating Permit No. T129-25574-00037 is subject to 40 CFR 63.650, Subpart CC and will be included in this administratively separate permit as follows:

- (1) 40 CFR Part 63.650

- (k) This source (Plant 1 and Plant 2) will emit greater than ten (10) tons per year for a single HAP and greater than twenty-five (25) tons per year for a combination of HAPs. The Refinery portion of the source is subject to 40 CFR Part 63, Subpart CC (National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries). Pursuant to 40 CFR 63.650, Subpart CC, each owner or operator of a gasoline loading rack classified under Standard Industrial Classification code 2911 located within a contiguous area and under common control with a petroleum refinery shall comply with Subpart R. Therefore, the river dock terminal is subject to 40 CFR Part 63, Subpart R (National Emissions Standards for Gasoline Distribution Facilities), which are incorporated by reference as 326 IAC 20-10-1. The one (1) barge loading and unloading facility located at the river dock terminal is subject to the following portions of 40 CFR Part 63, Subpart R (National Emissions Standards for Gasoline Distribution Facilities). Nonapplicable portions of the 40 CFR Part 63, Subpart R will not be included in the permit.
- (1) 40 CFR Part 63.420 (i)
  - (2) 40 CFR Part 63.421
  - (3) 40 CFR Part 63.422 (a-c)
  - (4) 40 CFR Part 63.425 (a-c), (e-h)
  - (5) 40 CFR Part 63.427 (a-b)
  - (6) 40 CFR Part 63.428(b), (c), (g)(1), (h)(1-3)

#### **State Rule Applicability - Entire Source**

##### **326 IAC 2-2 (Prevention of Significant Deterioration)**

This source (Plant 1 and Plant 2), which is one of the 28 listed source categories, is an existing major PSD source. However, it is not subject to the requirements of this rule because this rule applies to sources commencing construction after August 7, 1977. All the units at this source were constructed prior to the applicability date. Thus, 326 IAC 2-2 (Prevention of Significant Deterioration) does not apply.

##### **326 IAC 2-4.1-1 (New Source Toxics Control)**

This source emits greater than ten (10) tons per year for a single HAP and greater than twenty-five (25) tons per year for a combination of HAPs. However, the source is not subject to 326 IAC 2-4.1-1 (New Source Toxics Control) because the emission units were constructed prior to July 27, 1997. Therefore, 326 IAC 2-4.1-1 does not apply.

##### **326 IAC 2-6 (Emission Reporting)**

This source is subject to 326 IAC 2-6 (Emission Reporting) because it is required to have an operating permit under 326 IAC 2-7, Part 70 program and has the potential to emit greater than 250 tons per year of volatile organic compounds. Therefore, pursuant to this rule, in accordance with the compliance schedule specified in 326 IAC 2-6-3, the Permittee shall submit an annual emission statement by July 1 beginning in 2009 and every year after. The emission statement shall contain, at a minimum, the information specified in 326 IAC 2-6-4.

##### **326 IAC 5-1 (Opacity Limitations)**

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in the permit:

- (a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.
- (b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

### **State Rule Applicability – Individual Facilities**

#### **326 IAC 8-1-6 (New Facilities; General Reduction Requirements)**

This marine vessel loading and unloading river dock terminal is not subject to the provisions of 326 IAC 8-1-6. This rule applies to facilities located in any county constructed after January 1, 1980, which are not otherwise regulated by any other provisions of 326 IAC 8, and have potential emissions of 25 tons/yr or greater. This marine vessel loading and unloading river dock terminal was constructed prior to January 1, 1980, and therefore, this rule does not apply.

#### **326 IAC 8-4-1 (Petroleum Sources)**

Plant 2 is not subject to the requirements of 326 IAC 8-4-1 (Petroleum Sources) because it was constructed prior to the applicability date of January 1, 1980.

#### **326 IAC 8-6 (Organic Solvent Limitations)**

Plant 2 is not subject to the requirements of 326 IAC 8-6 (Organic Solvent Limitations) because it was not constructed between the applicability dates of October 7, 1974 and January 1, 1980.

#### **326 IAC 8-7 (Specific VOC Reduction Requirements for Lake, Porter, Clark and Floyd Counties)**

Plant 2 is not subject to the requirements of 326 IAC 8-7 (Specific VOC Reduction Requirements for Lake, Porter, Clark and Floyd Counties), because it is not located in one of these counties.

#### **326 IAC 8-9 (Volatile Organic Liquid Storage Vessels)**

Plant 2 storage tanks are not subject to the requirements of 326 IAC 8-9 (Volatile Organic Liquid Storage Vessels) because Plant 2 is not located in Clark, Floyd, Lake, or Porter County.

### **Compliance Determination and Monitoring Requirements**

Permits issued under 326 IAC 2-7 are required to ensure that sources can demonstrate compliance with all applicable state and federal rules on a continuous basis. All state and federal rules contain compliance provisions, however, these provisions do not always fulfill the requirement for a continuous demonstration. When this occurs, IDEM, OAQ, in conjunction with the source, must develop specific conditions to satisfy 326 IAC 2-7-5. As a result, Compliance Determination Requirements are included in the permit. The Compliance Determination Requirements in Section D of the permit are those conditions that are found directly within state and federal rules and the violation of which serves as grounds for enforcement action.

If the Compliance Determination Requirements are not sufficient to demonstrate continuous compliance, they will be supplemented with Compliance Monitoring Requirements, also in Section D of the permit. Unlike Compliance Determination Requirements, failure to meet Compliance Monitoring conditions would serve as a trigger for corrective actions and not grounds for enforcement action. However, a violation in relation to a compliance monitoring condition will arise through a source's failure to take the appropriate corrective actions within a specific time period.

### **Recommendation**

The staff recommends to the Commissioner that the Part 70 Operating Permit Renewal be approved. This recommendation is based on the following facts and conditions:

Unless otherwise stated, information used in this review was derived from the application and additional information submitted by the applicant.

An application for the purposes of this review was received on October 18, 2007.

### **Conclusion**

The operation of this stationary petroleum refinery marine vessel loading and unloading dock shall be subject to the conditions of the attached Part 70 Operating Permit Renewal No. 129-25574-00037.

## Appendix A: Emission Calculations Tank VOC Emissions - Maximum PTE

**Company Name** Countrymark Cooperative, LLP  
**Address:** South Mann and Ohio Street, Mt. Vernon, Indiana 47620  
**Title V Renewal No.:** T129-25574-00037  
**Reviewer:** RLO

Process	Product Stored	Losses (Tons per Year)							Total VOC Tons/yr
		Standing	Working	Withdraw	Rim Seal	Deck Fitting	Deck Seam	Roof Fitting	
Barge Loading - Gasoline	Gasoline (RVP 11)	0.00	322.85	0.00	0.00	0.00	0.00	0.00	322.85
Barge Loading - Distillates/Fuel Oil	Gasoline (RVP 11)	0.00	1.21	0.00	0.00	0.00	0.00	0.00	1.21
Downstream Barge Containment	Gasoline (RVP 11)	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.03
Tank 23	Gasoline (RVP 11)	0.33	0.04	0.00	0.00	0.00	0.00	0.00	0.37
Dock Tank	Gasoline (RVP 11)	0.06	0.54	0.00	0.00	0.00	0.00	0.00	0.60
Skid Tank	Gasoline (RVP 11)	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.06
Tank 27	Gasoline (RVP 11)	1.41	1.17	0.00	0.00	0.00	0.00	0.00	2.58
Tank 28	Gasoline (RVP 11)	1.41	0.17	0.00	0.00	0.00	0.00	0.00	1.58
Tank 31	Gasoline (RVP 11)	0.30	0.03	0.00	0.00	0.00	0.00	0.00	0.33
Tank 32	Gasoline (RVP 11)	0.32	0.04	0.00	0.00	0.00	0.00	0.00	0.36
Stripping Tank	Gasoline (RVP 11)	0.05	0.14	0.00	0.00	0.00	0.00	0.00	0.19
Upstream Barge Containment	Gasoline (RVP 11)	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.03
Fugitive emissions	Gasoline (RVP 11)	0.00	0.39	0.00	0.00	0.00	0.00	0.00	0.39
Total VOC		<b>3.94</b>	<b>326.64</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>330.58</b>

Note: All storage tank emissions estimated using USEPA's Tanks 4.0 software program and are based on the estimated maximum annual throughput for each tank.

## Appendix A: Emission Calculations Tank HAP Emissions - Maximum PTE

**Company Name:** Countrymark Cooperative, LLP  
**Address City IN Zip:** South Mann and Ohio Street, Mt. Vernon, Indiana 47620  
**Title V Renewal No.:** T129-25574-00037  
**Reviewer:** RLO

**Standing Losses**

Process	Product Stored	VOC Emissions Tons/yr	Vapor Weight Percent								Total
			Benzene	Toluene	Ethyl-Benzene	Xylenes	Cumene	Hexane	Isooctane	MTBE	
	Gasoline	N/A	0.90%	1.30%	0.10%	0.50%	0.00%	1.60%	0.80%	0.05%	
<b>HAP Emissions (tons/yr)</b>											
Downstream Barge Containment	Gasoline (RVP 11)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tank 23	Gasoline (RVP 11)	0.33	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
Dock Tank	Gasoline (RVP 11)	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Skid Tank	Gasoline (RVP 11)	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tank 27	Gasoline (RVP 11)	1.41	0.01	0.02	0.00	0.01	0.00	0.02	0.01	0.00	0.07
Tank 28	Gasoline (RVP 11)	1.41	0.01	0.02	0.00	0.01	0.00	0.02	0.01	0.00	0.07
Tank 31	Gasoline (RVP 11)	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.02
Tank 32	Gasoline (RVP 11)	0.32	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.02
Stripping Tank	Gasoline (RVP 11)	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Upstream Barge Containment	Gasoline (RVP 11)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b>		<b>3.94</b>	<b>0.04</b>	<b>0.05</b>	<b>0.00</b>	<b>0.02</b>	<b>0.00</b>	<b>0.06</b>	<b>0.03</b>	<b>0.00</b>	<b>0.21</b>

**Working/Withdraw Losses**

Process	Product Stored	VOC Emissions Tons/yr	HAP Emissions (tons/yr)								Total
			Benzene	Toluene	Ethyl-Benzene	Xylenes	Cumene	Hexane	Isooctane	MTBE	
Barge Loading - Gasoline	Gasoline (RVP 11)	322.85	2.91	4.20	0.32	1.61	0.00	5.17	2.58	0.16	16.95
Barge Loading - Distillates/Fuel Oil	Distillates/Fuel Oil	1.21	0.01	0.02	0.00	0.01	0.00	0.02	0.01	0.00	0.06
Downstream Barge Containment	Gasoline (RVP 11)	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tank 23	Gasoline (RVP 11)	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Dock Tank	Gasoline (RVP 11)	0.54	0.00	0.01	0.00	0.00	0.00	0.01	0.00	0.00	0.03
Skid Tank	Gasoline (RVP 11)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tank 27	Gasoline (RVP 11)	1.17	0.01	0.02	0.00	0.01	0.00	0.02	0.01	0.00	0.06
Tank 28	Gasoline (RVP 11)	0.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01
Tank 31	Gasoline (RVP 11)	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tank 32	Gasoline (RVP 11)	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Stripping Tank	Gasoline (RVP 11)	0.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01
Upstream Barge Containment	Gasoline (RVP 11)	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fugitive emissions	Gasoline (RVP 11)	0.39	0.00	0.01	0.00	0.00	0.00	0.01	0.00	0.00	0.00
<b>Total</b>		<b>326.64</b>	<b>2.94</b>	<b>4.25</b>	<b>0.33</b>	<b>1.63</b>	<b>0.00</b>	<b>5.23</b>	<b>2.61</b>	<b>0.16</b>	<b>17.13</b>

Working/ Withdraw and Standing Total	VOC Emissions Tons/yr	HAP Emissions (tons/yr)								Total
		Benzene	Toluene	Ethyl-Benzene	Xylenes	Cumene	Hexane	Isooctane	MTBE	
	<b>330.58</b>	<b>2.98</b>	<b>4.30</b>	<b>0.33</b>	<b>1.65</b>	<b>0.00</b>	<b>5.29</b>	<b>2.64</b>	<b>0.17</b>	<b>17.33</b>

Note: All storage tank VOC emissions estimated using USEPA's Tanks 4.0 software program and are based on the estimated maximum annual throughput for each tank  
 Fugitive emissions includes leaks from valves, pumps, and flanges



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels Jr.*  
**Governor**

*Thomas W. Easterly*  
**Commissioner**

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## **SENT VIA U.S. MAIL: CONFIRMED DELIVERY AND SIGNATURE REQUESTED**

**TO:** Jim Pankey  
Countrymark Cooperative, LLP  
1200 Refinery Rd  
Mount Vernon, IN 47620

**DATE:** July 1, 2010

**FROM:** Matt Stuckey, Branch Chief  
Permits Branch  
Office of Air Quality

**SUBJECT:** Final Decision  
Title V - Renewal  
129-25574-00037

Enclosed is the final decision and supporting materials for the air permit application referenced above. Please note that this packet contains the original, signed, permit documents.

The final decision is being sent to you because our records indicate that you are the contact person for this application. However, if you are not the appropriate person within your company to receive this document, please forward it to the correct person.

A copy of the final decision and supporting materials has also been sent via standard mail to:  
Matthew Smorch (Refinery Manager)  
Patricia Sorenson (ERM)  
OAQ Permits Branch Interested Parties List

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178, or toll-free at 1-800-451-6027 (ext. 3-0178), and ask to speak to the permit reviewer who prepared the permit. If you think you have received this document in error, please contact Joanne Smiddie-Brush of my staff at 1-800-451-6027 (ext 3-0185), or via e-mail at [jbrush@idem.IN.gov](mailto:jbrush@idem.IN.gov).

Final Applicant Cover letter.dot 11/30/07





# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels Jr.*  
**Governor**

*Thomas W. Easterly*  
**Commissioner**

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
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TO: Interested Parties / Applicant

DATE: July 1, 2010

RE: Countrymark Cooperative, LLP / 129-25424-00003 & 129-25574-00037

FROM: Matthew Stuckey, Branch Chief  
Permits Branch  
Office of Air Quality

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2		Matthew L Smorch Refinery Manager Countrymark Cooperative, LLP 1200 Refinery Rd Mount Vernon IN 47620 (RO CAATS)										
3		Mr. Charles L. Berger Berger & Berger, Attorneys at Law 313 Main Street Evansville IN 47700 (Affected Party)										
4		Mr. Randy Brown Plumbers & Steam Fitters Union, Local 136 2300 St. Joe Industrial Park Dr Evansville IN 47720 (Affected Party)										
5		Ms. Patricia Sorensen Environmental Resources Management (ERM) 11350 North Meridian Street, Ste 220 Carmel IN 46032 (Consultant)										
6		Posey County Commissioners County Courthouse, 126 E. 3rd Street Mount Vernon IN 47620 (Local Official)										
7		Posey County Health Department 126 E. 3rd St, Coliseum Bldg Mount Vernon IN 47620-1811 (Health Department)										
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9		Dr. Jeff Seyler Univ. of So Ind., 8600 Univ. Blvd. Evansville IN 47712 (Affected Party)										
10		Mr. Don Mottley Save Our Rivers 6222 Yankeetown Hwy Boonville IN 47601 (Affected Party)										
11		Alexandrian Public Library 115 West 5th Mt. Vernon IN 47620 (Library)										
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