



ARKANSAS

ENERGY & ENVIRONMENT

January 23, 2023

Via email to: james.young@deleklogistics.com & First Class Mail

James Young
Sr. Environmental Specialist
Delek Logistics Operating, LLC—El Dorado Pipeline Company
305 N. Washington Avenue
El Dorado, AR 71730

Re: Notice of Final Permitting Decision; Permit No. 2036-AR-4

Dear Mr. Young,

After considering the application and other applicable materials as required by APC&EC Rule 8.211 and Ark. Code Ann. § 8-4-101 *et seq.*, this notice of final permitting decision is provided for:

Delek Logistics Operating, LLC—El Dorado Pipeline Company
800 Columbia Road 25
Magnolia, AR 71753

Permit Number: 2036-AR-4

Permitting Decision: approval with permit conditions as set forth in final Permit No. 2036-AR-4

Accessing the Permitting Decision:

<https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/Air/2036-AR-4.pdf>.

Accessing the Statement of Basis:

<https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/Air/2036-AR-4-SOB.pdf>.

Rule 19.407(A) of the Arkansas Plan of Implementation for Air Pollution Control (SIP) and Rule 18.307(A) of the Arkansas Air Pollution Control Code do not require a public notice or public comment period for Administrative Amendments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dw", followed by a long horizontal flourish.

David Witherow, P.E.
Associate Director, Office of Air Quality, Division of Environmental Quality
5301 Northshore Drive, North Little Rock, AR 72118-5317

Enclosure: Certificate of Service
cc: lhuyck@hsgec.cm

CERTIFICATE OF SERVICE

I, Natasha Oates, hereby certify that the final permit decision notice has been mailed by first class mail to Delek Logistics Operating, LLC—El Dorado Pipeline Company, 305 N. Washington Avenue, El Dorado, AR, 71730, on this 23rd day of January, 2023.

Natasha Oates

Natasha Oates, AA, Office of Air Quality

RESPONSE TO COMMENTS

DELEK LOGISTICS OPERATING, LLC—EL DORADO PIPELINE COMPANY PERMIT #2036-AR-4 AFIN: 14-00448

On December 11, 2022, the Director of the Arkansas Department of Energy and Environment, Division of Environmental Quality (“Division”) gave notice of a draft permitting decision for the above referenced facility. On December 14th, 2022, written comments on the draft permitting decision were submitted on behalf of the facility and received by email. The Division’s response to these issues follows.

Note: The following page numbers and condition numbers refer to the draft permit. These references may have changed in the final permit based on changes made during the comment period.

Comment #1: Add a condition for SN-437 which includes the applicable recordkeeping requirements per 60.115(b)(1)-(4).

Response to Comment #1: The change will be made.

Comment #2: Specific Condition #10 should be revised to reflect that for SN-437, in addition to SN-01 and SN-2013, the facility is required to maintain the records outlined in 60.116b.

Response to Comment #2: The change will be made.



DIVISION OF ENVIRONMENTAL QUALITY

MINOR SOURCE AIR PERMIT

PERMIT NUMBER: 2036-AR-4

IS ISSUED TO:

Delek Logistics Operating, LLC
800 Columbia Road 25
Magnolia, AR 71753
Columbia County
AFIN: 14-00448

THIS PERMIT IS THE ABOVE REFERENCED PERMITTEE'S AUTHORITY TO CONSTRUCT, MODIFY, OPERATE, AND/OR MAINTAIN THE EQUIPMENT AND/OR FACILITY IN THE MANNER AS SET FORTH IN THE DIVISION OF ENVIRONMENTAL QUALITY'S MINOR SOURCE AIR PERMIT AND THE APPLICATION. THIS PERMIT IS ISSUED PURSUANT TO THE PROVISIONS OF THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT (ARK. CODE ANN. § 8-4-101 *ET SEQ.*) AND THE RULES PROMULGATED THEREUNDER, AND IS SUBJECT TO ALL LIMITS AND CONDITIONS CONTAINED HEREIN.

Signed:

A handwritten signature in blue ink, appearing to read "D. Witherow", is written over a horizontal line.

David Witherow, P.E.
Associate Director, Office of Air Quality
Division of Environmental Quality

January 23, 2023

Date

Delek Logistics Operating, LLC
Permit #: 2036-AR-4
AFIN: 14-00448

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List of Acronyms and Abbreviations

Ark. Code Ann.	Arkansas Code Annotated
AFIN	Arkansas DEQ Facility Identification Number
C.F.R.	Code of Federal Regulations
CO	Carbon Monoxide
COMS	Continuous Opacity Monitoring System
HAP	Hazardous Air Pollutant
Hp	Horsepower
lb/hr	Pound Per Hour
NESHAP	National Emission Standards (for) Hazardous Air Pollutants
No.	Number
NO _x	Nitrogen Oxide
NSPS	New Source Performance Standards
PM	Particulate Matter
PM ₁₀	Particulate Matter Equal To Or Smaller Than Ten Microns
PM _{2.5}	Particulate Matter Equal To Or Smaller Than 2.5 Microns
SO ₂	Sulfur Dioxide
Tpy	Tons Per Year
UTM	Universal Transverse Mercator
VOC	Volatile Organic Compound

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Section I: FACILITY INFORMATION

PERMITTEE: Delek Logistics Operating, LLC

AFIN: 14-00448

PERMIT NUMBER: 2036-AR-4

FACILITY ADDRESS: 800 Columbia Road 25
Magnolia, AR 71753

MAILING ADDRESS: 305 N. Washington Avenue
El Dorado, AR 71730

COUNTY: Columbia County

CONTACT NAME: James Young

CONTACT POSITION: Environmental Manager

TELEPHONE NUMBER: (318) 278-4086

REVIEWING ENGINEER: Sterling Powers

UTM North South (Y): Zone 15: 3677944.8 m

UTM East West (X): Zone 15: 486031.8 m

Section II: INTRODUCTION

Summary of Permit Activity

Delek Logistics Operating, LLC operates the El Dorado Pipeline Company located in Magnolia, Arkansas. The facility proposes to increase the hourly maximum throughput from 2,922 bbls/hr and 25,595,000 bbls/yr to 3,600 bbls/hr and 31,536,000 bbls/yr, update the regulatory requirements of SN-437, update the sources to reflect current unrounded H₂S emissions, and remove two Tanks from the permit (SN-435 and SN-2018). Due to these changes and changes in the method of emission calculations, permitted emissions will decrease by 24.0 tpy VOC, 2.0 tpy Total HAPs, and 0.0098 tpy H₂S.

Process Description

Delek's El Dorado refinery receives much of its crude oil supply from various common carrier pipelines. The crude is shipped primarily from Longview, Texas. From there it is pumped through a pipeline system to Magnolia, Arkansas. Crude oil may also be received by truck and unloaded via a Lease Automatic Custody Transfer (LACT) system. Delek transfers the crude oil from Magnolia to the El Dorado refinery.

Normally, crude oil received from the pipeline will pass through the storage tanks to the suction of Delek's transfer pump in Magnolia. The crude oil volume in the storage tanks will vary depending on the amount of oil coming up the pipeline system and the amount of oil needed at the refinery. The maximum capacity of the pipeline systems is 75,000 barrels per day. The LACT system can load or unload a maximum of 7,200 barrels per day.

Rules and Regulations

The following table contains the rules and regulations applicable to this permit.

Rules and Regulations
Arkansas Air Pollution Control Code, Rule 18, effective March 14, 2016
Rules of the Arkansas Plan of Implementation for Air Pollution Control, Rule 19, effective May 6, 2022
40 C.F.R. Part 60, Subpart Kb — <i>Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984</i>

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Total Allowable Emissions

The following table is a summary of emissions from the facility. This table, in itself, is not an enforceable condition of the permit.

TOTAL ALLOWABLE EMISSIONS		
Pollutant	Emission Rates	
	lb/hr	tpy
VOC	7.8	22.1
H ₂ S*	7.43E-05	2.18E-04
Total HAPs	0.62	1.83

*Air Contaminants such as ammonia, acetone, and certain halogenated solvents are not VOCs or HAPs.

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Section III: PERMIT HISTORY

Permit #2036-A was issued on June 24, 2003. It was the initial minor source air permit for the facility. This permit allowed for the installation of a new 85,000 barrel (3,570,000 gallons/13,514 cubic meters capacity) storage tank for the El Dorado Pipeline Company (SIC 4619) system. The tank was installed east of Magnolia at 8000 Columbia 25 road on land leased from Lion Oil Trading and Transportation Company. The addition of the storage tank gave El Dorado Pipeline flexibility in managing the crude oil supply and provided storage capacity when crude runs at the refinery are reduced and during emergency shutdowns of the refinery. This enabled the pipeline systems from Port Neches to Magnolia to continue operating when crude runs are reduced at the refinery, or if the pipeline system between Magnolia and El Dorado was down for maintenance. Installation of the new tank also gave El Dorado Pipeline Company the ability to segregate foreign crude from Arkansas crude. The facility's permitted annual emission was 9.5 tpy VOC.

Permit #2036-AR-1 was issued on August 20, 2014. With this modification, the facility added existing tanks (T-337, T-435, and T-437), installed a new tank (T-2013), and added the fugitive emissions from valves, connectors, and pumps as an A-13 insignificant activity. The facility's permitted emission increased by 28.5 tpy VOC.

Permit #2036-AR-2 was issued on May 24, 2018. With this modification, the facility installed a new 116,000 bbl external floating roof tank (T-2018), updated insignificant activity calculations to account for additional valves, connectors, and pumps associated with the new tank, and removed individual HAP limits for all sources, following ADEQ's current Non-Criteria Air Pollutant Strategy. The permit's general conditions were also updated. Annual permitted emissions increased by 6.7 tpy of VOC. Annual permitted total HAP emissions were set at 3.74 tpy.

Permit #2036-AR-3 was issued January 13, 2020. This modification permitted the operation of a Lease Automatic Custody Transfer (LACT) truck loading and unloading system as SN-02. Annual permitted emissions increased by 1.3 tons per year (tpy) of VOC, 0.01 tpy of H₂S, and 0.10 tpy total HAPs.

Section IV: EMISSION UNIT INFORMATION

Specific Conditions

- The permittee shall not exceed the emission rates set forth in the following table.
 [Reg.19.501 *et seq.* and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Description	Pollutant	lb/hr	tpy
01	Pipeline Crude Oil Storage Tank	VOC	2.0	5.6
02	Truck Loading/Unloading	VOC	0.8	1.3
337	T-337 (Vertical Fixed Roof Tank)	VOC	1.4	5.8
437	T-437 (External Floating Roof Tank)	VOC	1.6	3.8
2013	T-2013 (External Floating Roof Tank)	VOC	2.0	5.6

- The permittee shall not exceed the emission rates set forth in the following table.
 [Reg.18.801 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Description	Pollutant	lb/hr	tpy
01	Pipeline Crude Oil Storage Tank	H ₂ S Total HAPs	1.93E-05 0.16	5.56E-05 0.47
02	Truck Loading/Unloading	H ₂ S Total HAPs	7.10E-06 0.06	1.24E-05 0.10
337	T-337 (Vertical Fixed Roof Tank)	H ₂ S Total HAPs	1.31E-05 0.11	5.74E-05 0.48
437	T-437 (External Floating Roof Tank)	H ₂ S Total HAPs	1.55E-05 0.13	3.71E-05 0.31
2013	T-2013 (External Floating Roof Tank)	H ₂ S Total HAPs	1.93E-05 0.16	5.56E-05 0.47

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3. The permittee shall not cause or permit the emission of air contaminants, including odors or water vapor and including an air contaminant whose emission is not otherwise prohibited by Rule 18, if the emission of the air contaminant constitutes air pollution within the meaning of Ark. Code Ann. § 8-4-303. [Rule 18.801 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
4. The permittee shall not conduct operations in such a manner as to unnecessarily cause air contaminants and other pollutants to become airborne. [Rule 18.901 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Plantwide Conditions

5. The permittee shall not exceed a throughput of 31,536,000 barrels (1,324,512,000 gallons) of product at the facility per rolling 12 month period. [Reg.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
6. The permittee shall maintain monthly records to demonstrate compliance with Specific Condition #5. The permittee shall update these records by the fifteenth day of the month following the month to which the records pertain. The twelve month rolling totals and each individual month's data shall be maintained on-site and made available to Department personnel upon request. [Reg.19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

NSPS Conditions

7. The permittee shall comply with the external floating roof requirements of §60.112b(a)(2) for SN-01, SN-437, and SN-2013. [Reg.19.304 and 40 C.F.R. §60.112b(a)(2)]
8. The permittee will keep records relating to the design, dimensions, and capacity of SN-01, SN-437, and SN-2013 that demonstrate compliance with §60.112b(a)(2) until such time as the tank is removed from service. The permittee will make the records available to Department personnel upon request. [Reg.19.304 and 40 C.F.R. §60.112b(a)(2) and §60.116b(b)]
9. The permittee will comply with the inspection requirements of §60.113b(b)(1) after installing the control equipment specified for tanks with an external floating roof as required in Specific Condition #7, within 60 days of the initial fill with VOL and at least once every five years thereafter. [Reg.19.304 and 40 C.F.R. §60.113b(b)(1)]
10. The permittee will maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of the VOL during the respective storage period for SN-01, SN-437, and SN-2013 for at least two years. The maximum true vapor pressure is

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calculated according to the methods of §60.116b(e). [Reg.19.304 and 40 C.F.R. §60.116b(e) and §60.116b(2).]

11. The permittee has furnished the Administrator with a report dated February 28, 2003, that describes the control equipment on SN-01 and certifies that the control equipment meets the specifications in §60.112(b)(a)(2) and §60.113(b)(b)(2) and (b)(3). [Reg.19.304 and 40 C.F.R. §60.112(b)(a)(2) and §60.113(b)(b)(2) and (b)(3)]
12. The permittee will furnish the Administrator will a report that describes the control equipment on SN-437 and certifies that the control equipment meets the specifications in §60.112(b)(a)(2) and §60.113b(b)(1) to (b)(5). After installation of the external floating roof, the owner or operator shall meet the reporting requirements as described in §60.115b. [Reg.19.304 and 40 C.F.R. §60.115(b)(1) to (b)(4)]

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Section V: INSIGNIFICANT ACTIVITIES

The Division of Environmental Quality deems the following types of activities or emissions as insignificant on the basis of size, emission rate, production rate, or activity in accordance with Group A of the Insignificant Activities list found in Rule 18 and Rule 19 Appendix A. Group B insignificant activities may be listed but are not required to be listed in permits. Insignificant activity emission determinations rely upon the information submitted by the permittee in an application dated September 2nd, 2022. [Rule 19.408 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Description	Category
Fugitive emissions (valves, connectors/flanges, pumps)	A-13

Section VI: GENERAL CONDITIONS

1. Any terms or conditions included in this permit that specify and reference Arkansas Pollution Control & Ecology Commission Rule 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) as the sole origin of and authority for the terms or conditions are not required under the Clean Air Act or any of its applicable requirements, and are not federally enforceable under the Clean Air Act. Arkansas Pollution Control & Ecology Commission Rule 18 was adopted pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*). Any terms or conditions included in this permit that specify and reference Arkansas Pollution Control & Ecology Commission Rule 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) as the origin of and authority for the terms or conditions are enforceable under this Arkansas statute.
2. This permit does not relieve the owner or operator of the equipment and/or the facility from compliance with all applicable provisions of the Arkansas Water and Air Pollution Control Act and the rules promulgated under the Act. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
3. The permittee shall notify the Division of Environmental Quality in writing within thirty (30) days after each of the following events: commencement of construction, completion of construction, first operation of equipment and/or facility, and first attainment of the equipment and/or facility target production rate. [Rule 19.704 and/or Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
4. Construction or modification must commence within eighteen (18) months from the date of permit issuance. [Rule 19.410(B) and/or Rule 18.309(B) and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
5. The permittee must keep records for five years to enable the Division of Environmental Quality to determine compliance with the terms of this permit such as hours of operation, throughput, upset conditions, and continuous monitoring data. The Division of Environmental Quality may use the records, at the discretion of the Division of Environmental Quality, to determine compliance with the conditions of the permit. [Rule 19.705 and/or Rule 18.1004 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
6. A responsible official must certify any reports required by any condition contained in this permit and submit any reports to the Division of Environmental Quality electronically using <https://portal.adeg.state.ar.us> or mail them to the address below. [Rule 19.705 and/or Rule 18.1004 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Division of Environmental Quality
Office of Air Quality

Delek Logistics Operating, LLC
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ATTN: Compliance Inspector Supervisor
5301 Northshore Drive
North Little Rock, AR 72118-5317

7. The permittee shall test any equipment scheduled for testing, unless stated in the Specific Conditions of this permit or by any federally regulated requirements, within the following time frames: (1) newly constructed or modified equipment within sixty (60) days of achieving the maximum production rate, but no later than 180 days after initial start up of the permitted source or (2) existing equipment already operating according to the time frames set forth by the Division of Environmental Quality. The permittee must notify the Division of Environmental Quality of the scheduled date of compliance testing at least fifteen (15) business days in advance of such test. The permittee must submit compliance test results to the Division of Environmental Quality within sixty (60) calendar days after the completion of testing. [Rule 19.702 and/or Rule 18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
8. The permittee shall provide: [Rule 19.702 and/or Rule 18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 - a. Sampling ports adequate for applicable test methods;
 - b. Safe sampling platforms;
 - c. Safe access to sampling platforms; and
 - d. Utilities for sampling and testing equipment
9. The permittee shall operate equipment, control apparatus and emission monitoring equipment within their design limitations. The permittee shall maintain in good condition at all times equipment, control apparatus and emission monitoring equipment. [Rule 19.303 and/or Rule 18.1104 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
10. If the permittee exceeds an emission limit established by this permit, the permittee will be deemed in violation of said permit and will be subject to enforcement action. The Division of Environmental Quality may forego enforcement action for emissions exceeding any limits established by this permit provided the following requirements are met: [Rule 19.601 and/or Rule 18.1101 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 - a. The permittee demonstrates to the satisfaction of the Division of Environmental Quality that the emissions resulted from an equipment malfunction or upset and are not the result of negligence or improper maintenance, and the permittee took all reasonable measures to immediately minimize or eliminate the excess emissions.
 - b. The permittee reports the occurrence or upset or breakdown of equipment (by telephone, facsimile, overnight delivery, or online at <https://portal.adeg.state.ar.us>) to the Division of Environmental Quality by the

end of the next business day after the occurrence or the discovery of the occurrence.

- c. The permittee must submit to the Division of Environmental Quality, within five business days after the occurrence or the discovery of the occurrence, a full, written report of such occurrence, including a statement of all known causes and of the scheduling and nature of the actions to be taken to minimize or eliminate future occurrences, including, but not limited to, action to reduce the frequency of occurrence of such conditions, to minimize the amount by which said limits are exceeded, and to reduce the length of time for which said limits are exceeded. If the information is included in the initial report, the information need not be submitted again.
11. The permittee shall allow representatives of the Division of Environmental Quality upon the presentation of credentials: [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
 - a. To enter upon the permittee's premises, or other premises under the control of the permittee, where an air pollutant source is located or in which any records are required to be kept under the terms and conditions of this permit;
 - b. To have access to and copy any records required to be kept under the terms and conditions of this permit, or the Act;
 - c. To inspect any monitoring equipment or monitoring method required in this permit;
 - d. To sample any emission of pollutants; and
 - e. To perform an operation and maintenance inspection of the permitted source.
12. The Division of Environmental Quality issued this permit in reliance upon the statements and presentations made in the permit application. The Division of Environmental Quality has no responsibility for the adequacy or proper functioning of the equipment or control apparatus. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
13. The Division of Environmental Quality may revoke or modify this permit when, in the judgment of the Division of Environmental Quality, such revocation or modification is necessary to comply with the applicable provisions of the Arkansas Water and Air Pollution Control Act and the rules promulgated the Arkansas Water and Air Pollution Control Act. [Rule 19.410(A) and/or Rule 18.309(A) and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
14. This permit may be transferred. An applicant for a transfer must submit a written request for transfer of the permit on a form provided by the Division of Environmental Quality and submit the disclosure statement required by Arkansas Code Annotated §8-1-106 at least thirty (30) days in advance of the proposed transfer date. The permit will be automatically transferred to the new permittee unless the Division of Environmental Quality denies the request to transfer within thirty (30) days of the receipt of the

disclosure statement. The Division of Environmental Quality may deny a transfer on the basis of the information revealed in the disclosure statement or other investigation or, deliberate falsification or omission of relevant information. [Rule 19.407(B) and/or Rule 18.307(B) and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

15. This permit shall be available for inspection on the premises where the control apparatus is located. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
16. This permit authorizes only those pollutant emitting activities addressed herein. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
17. This permit supersedes and voids all previously issued air permits for this facility. [Rule 18 and/or Rule 19 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
18. The permittee must pay all permit fees in accordance with the procedures established in Rule 9. [Ark. Code Ann. § 8-1-105(c)]
19. The permittee may request in writing and at least 15 days in advance of the deadline, an extension to any testing, compliance or other dates in this permit. No such extensions are authorized until the permittee receives written Division of Environmental Quality approval. The Division of Environmental Quality may grant such a request, at its discretion in the following circumstances:
 - a. Such an extension does not violate a federal requirement;
 - b. The permittee demonstrates the need for the extension; and
 - c. The permittee documents that all reasonable measures have been taken to meet the current deadline and documents reasons it cannot be met.

[Rule 18.314(A) and/or Rule 19.416(A), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

20. The permittee may request in writing and at least 30 days in advance, temporary emissions and/or testing that would otherwise exceed an emission rate, throughput requirement, or other limit in this permit. No such activities are authorized until the permittee receives written Division of Environmental Quality approval. Any such emissions shall be included in the facility's total emissions and reported as such. The Division of Environmental Quality may grant such a request, at its discretion under the following conditions:
 - a. Such a request does not violate a federal requirement;
 - b. Such a request is temporary in nature;
 - c. Such a request will not result in a condition of air pollution;

- d. The request contains such information necessary for the Division of Environmental Quality to evaluate the request, including but not limited to, quantification of such emissions and the date/time such emission will occur;
- e. Such a request will result in increased emissions less than five tons of any individual criteria pollutant, one ton of any single HAP and 2.5 tons of total HAPs; and
- f. The permittee maintains records of the dates and results of such temporary emissions/testing.

[Rule 18.314(B) and/or Rule 19.416(B), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

21. The permittee may request in writing and at least 30 days in advance, an alternative to the specified monitoring in this permit. No such alternatives are authorized until the permittee receives written Division of Environmental Quality approval. The Division of Environmental Quality may grant such a request, at its discretion under the following conditions:
- a. The request does not violate a federal requirement;
 - b. The request provides an equivalent or greater degree of actual monitoring to the current requirements; and
 - c. Any such request, if approved, is incorporated in the next permit modification application by the permittee.

[Rule 18.314(C) and/or Rule 19.416(C), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

22. Any credible evidence based on sampling, monitoring, and reporting may be used to determine violations of applicable emission limitations. [Rule 18.1001, Rule 19.701, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

Appendix A

Subpart Kb – Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984

Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984

Source: [52 FR 11429](#), Apr. 8, 1987, unless otherwise noted.

§ 60.110b Applicability and designation of affected facility.

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

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

(c) [Reserved]

(d) This subpart does not apply to the following:

(1) Vessels at coke oven by-product plants.

(2) Pressure vessels designed to operate in excess of 204.9 kPa and without emissions to the atmosphere.

(3) Vessels permanently attached to mobile vehicles such as trucks, railcars, barges, or ships.

(4) Vessels with a design capacity less than or equal to 1,589.874 m^3 used for petroleum or condensate stored, processed, or treated prior to custody transfer.

(5) Vessels located at bulk gasoline plants.

(6) Storage vessels located at gasoline service stations.

(7) Vessels used to store beverage alcohol.

(8) Vessels subject to subpart GGGG of [40 CFR part 63](#).

(e) *Alternative means of compliance* -

(1) **Option to comply with part 65.** Owners or operators may choose to comply with [40 CFR part 65, subpart C](#), to satisfy the requirements of §§ [60.112b](#) through [60.117b](#) for storage vessels that are subject to this subpart that meet the specifications in [paragraphs \(e\)\(1\)\(i\)](#) and [\(ii\)](#) of this section. When choosing to comply with [40 CFR part 65, subpart C](#), the monitoring requirements of § [60.116b\(c\)](#), [\(e\)](#), [\(f\)\(1\)](#), and [\(g\)](#) still apply. Other provisions applying to owners or operators who choose to comply with [40 CFR part 65](#) are provided in [40 CFR 65.1](#).

(i) A storage vessel with a design capacity greater than or equal to 151 m³ containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa; or

(ii) A storage vessel with a design capacity greater than 75 m³ but less than 151 m³ containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa.

(2) **Part 60, subpart A.** Owners or operators who choose to comply with [40 CFR part 65, subpart C](#), **must** also comply with §§ [60.1](#), [60.2](#), [60.5](#), [60.6](#), [60.7\(a\)\(1\)](#) and [\(4\)](#), [60.14](#), [60.15](#), and [60.16](#) for those storage vessels. All sections and paragraphs of [subpart A of this part](#) that are not mentioned in this [paragraph \(e\)\(2\)](#) do not apply to owners or operators of storage vessels complying with [40 CFR part 65, subpart C](#), except that provisions required to be met prior to implementing [40 CFR part 65](#) still apply. Owners and operators who choose to comply with [40 CFR part 65, subpart C](#), **must** comply with [40 CFR part 65, subpart A](#).

(3) **Internal floating roof report.** If an owner or operator installs an internal floating roof and, at initial startup, chooses to comply with [40 CFR part 65, subpart C](#), a report shall be furnished to the Administrator stating that the control equipment meets the specifications of [40 CFR 65.43](#). This report shall be an attachment to the notification required by [40 CFR 65.5\(b\)](#).

(4) **External floating roof report.** If an owner or operator installs an external floating roof and, at initial startup, chooses to comply with [40 CFR part 65, subpart C](#), a report shall be furnished to the Administrator stating that the control equipment meets the specifications of [40 CFR 65.44](#). This report shall be an attachment to the notification required by [40 CFR 65.5\(b\)](#).

(5) **Option to comply with part 63, subpart WW, of this chapter.** Except as specified in [paragraphs \(e\)\(5\)\(i\)](#) through [\(iv\)](#) of this section, owners or operators may choose to comply with [40 CFR part 63, subpart WW](#), to satisfy the requirements of §§ [60.112b](#) through [60.117b](#) for storage vessels either with a design capacity greater than or equal to 151 m³ containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa, or with a design capacity greater than or equal to 75 m³ but less than 151 m³ containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa.

(i) The general provisions in [subpart A of this part](#) apply instead of the general provisions in [subpart A of part 63 of this chapter](#).

(ii) Where terms are defined in both this subpart and [40 CFR part 63, subpart WW](#), the definitions in this subpart apply.

(iii) Owners or operators who choose to comply with [40 CFR part 63, subpart WW](#), also must comply with the monitoring requirements of [§ 60.116b\(a\)](#), [\(c\)](#), [\(e\)](#), and [\(f\)\(1\)](#), except as specified in [paragraphs \(e\)\(5\)\(iii\)\(A\)](#) through [\(C\)](#) of this section.

(A) The reference to all records applies only to the records required by [§ 60.116b\(c\)](#);

(B) The reference to [§ 60.116b\(b\)](#) does not apply; and

(C) The reference to [§ 60.116b\(g\)](#) does not apply.

(iv) Owners or operators who choose to comply with [40 CFR part 63, subpart WW](#), must also keep records and furnish reports as specified in [paragraphs \(e\)\(5\)\(iv\)\(A\)](#) through [\(F\)](#) of this section.

(A) For each affected facility, the owner or operator must notify the Administrator at least 30 days before the first inspection is conducted under [40 CFR part 63, subpart WW](#). After this notification is submitted to the Administrator, the owner or operator must continue to comply with the alternative standard described in this [paragraph \(e\)\(5\)](#) until the owner or operator submits another notification to the Administrator indicating the affected facility is using the requirements of [§§ 60.112b](#) through [60.117b](#) instead of the alternative standard described in this [paragraph \(e\)\(5\)](#). The compliance schedule for events does not reset upon switching between compliance with this subpart and [40 CFR part 63, subpart WW](#).

(B) Keep a record of each affected facility using the alternative standard described in this [paragraph \(e\)\(5\)](#) when conducting an inspection required by [§ 63.1063\(c\)\(1\)](#) of this chapter.

(C) Keep a record of each affected facility using the alternative standard described in this [paragraph \(e\)\(5\)](#) when conducting an inspection required by [§ 63.1063\(c\)\(2\)](#) of this chapter.

(D) Copies of all records and reports kept pursuant to [§ 60.115b\(a\)](#) and [\(b\)](#) that have not met the 2-year record retention required by the introductory text of [§ 60.115b](#) must be kept for an additional 2 years after the date of submittal of the inspection notification specified in [paragraph \(e\)\(5\)\(iv\)\(A\)](#) of this section, indicating the affected facility is using the requirements of [40 CFR part 63, subpart WW](#).

(E) Copies of all records and reports kept pursuant to [§ 63.1065](#) of this chapter that have not met the 5-year record retention required by the introductory text of [§ 63.1065](#) must be kept for an additional 5 years after the date of submittal of the notification specified in [paragraph \(e\)\(5\)\(iv\)\(A\)](#) of this section, indicating the affected facility is using the requirements of [§§ 60.112b](#) through [60.117b](#).

(F) The following exceptions to the reporting requirements of [§ 63.1066 of this chapter](#) apply:

(1) The notification of initial startup required under [§ 63.1066\(a\)\(1\)](#) and [\(2\) of this chapter](#) must be submitted as an attachment to the notification required by [§§ 60.7\(a\)\(3\)](#) and [60.115b\(a\)\(1\)](#);

(2) The reference in [§ 63.1066\(b\)\(2\) of this chapter](#) to periodic reports “when inspection failures occur” means to submit inspections results within 60 days of the initial gap measurements required by [§ 63.1063\(c\)\(2\)\(i\) of this chapter](#) and within 30 days of all other inspections required by [§ 63.1063\(c\)\(1\)](#) and [\(2\) of this chapter](#).

[[52 FR 11429](#), Apr. 8, 1987, as amended at [54 FR 32973](#), Aug. 11, 1989; [65 FR 78275](#), Dec. 14, 2000; [68 FR 59332](#), Oct. 15, 2003; [86 FR 5019](#), Jan. 19, 2021]

§ 60.111b Definitions.

Terms used in this subpart are defined in the Act, in [subpart A of this part](#), or in this subpart as follows:

Bulk gasoline plant means any gasoline distribution facility that has a gasoline throughput less than or equal to 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 requirement or Federal, State or local law, and discoverable by the Administrator and any other person.

Condensate means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.

Custody transfer means the transfer of produced petroleum and/or condensate, after processing and/or treatment in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other forms of transportation.

Fill means the introduction of VOL into a storage vessel but not necessarily to complete capacity.

Gasoline service station means any site where gasoline is dispensed to motor vehicle fuel tanks from stationary storage tanks.

Maximum true vapor pressure means the equilibrium partial pressure exerted by the volatile organic compounds (as defined in [40 CFR 51.100](#)) in the stored VOL at the temperature equal to the highest calendar-month average of the VOL storage temperature for VOL's stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for VOL's stored at the ambient temperature, as determined:

(1) In accordance with methods described in American Petroleum institute Bulletin 2517, Evaporation Loss From External Floating Roof Tanks, (incorporated by reference - see [§ 60.17](#)); or

(2) As obtained from standard reference texts; or

(3) As determined by ASTM D2879-83, 96, or 97 (incorporated by reference - see [§ 60.17](#));

(4) Any other method approved by the Administrator.

Petroleum means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

Petroleum liquids means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.

Process tank means a tank that is used within a process (including a solvent or raw material recovery process) to collect material discharged from a feedstock storage vessel or equipment within the process before the material is transferred to other equipment within the process, to a product or by-product storage vessel, or to a vessel used to store recovered solvent or raw material. In many process tanks, unit operations such as reactions and blending are conducted. Other process tanks, such as surge control vessels and bottoms receivers, however, may not involve unit operations.

Reid vapor pressure means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquified petroleum gases, as determined by ASTM D323-82 or 94 (incorporated by reference - see [§ 60.17](#)).

Storage vessel means each tank, reservoir, or container used for the storage of volatile organic liquids but does not include:

(1) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors;

(2) Subsurface caverns or porous rock reservoirs; or

(3) Process tanks.

Volatile organic liquid (VOL) means any organic liquid which can emit volatile organic compounds (as defined in [40 CFR 51.100](#)) into the atmosphere.

Waste means any liquid resulting from industrial, commercial, mining or agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or recycled.

[[52 FR 11429](#), Apr. 8, 1987, as amended at [54 FR 32973](#), Aug. 11, 1989; [65 FR 61756](#), Oct. 17, 2000; [68 FR 59333](#), Oct. 15, 2003]

§ 60.112b Standard for volatile organic compounds (VOC).

(a) The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m³ containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa or with a design capacity greater than or equal to 75 m³ but less than 151 m³ containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following:

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

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

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

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

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

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

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

(iv) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be

equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

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

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

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

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

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

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

(i) Each external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. The closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

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

(B) The secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion except as allowed in [§ 60.113b\(b\)\(4\)](#).

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

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

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

(3) A closed vent system and control device meeting the following specifications:

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

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

(4) A system equivalent to those described in [paragraphs \(a\)\(1\), \(a\)\(2\), or \(a\)\(3\)](#) of this section as provided in [§ 60.114b of this subpart](#).

(b) The owner or operator of each storage vessel with a design capacity greater than or equal to 75 m³ which contains a VOL that, as stored, has a maximum true vapor pressure greater than or equal to 76.6 kPa shall equip each storage vessel with one of the following:

(1) A closed vent system and control device as specified in [§ 60.112b\(a\)\(3\)](#).

(2) A system equivalent to that described in paragraph (b)(1) as provided in [§ 60.114b of this subpart](#).

(c) ***Site-specific standard for Merck & Co., Inc.'s Stonewall Plant in Elkton, Virginia.*** This paragraph applies only to the pharmaceutical manufacturing facility, commonly referred to as the Stonewall Plant, located at Route 340 South, in Elkton, Virginia (“site”).

(1) For any storage vessel that otherwise would be subject to the control technology requirements of [paragraphs \(a\) or \(b\)](#) of this section, the site shall have the option of either complying directly with the requirements of this subpart, or reducing the site-wide total criteria pollutant emissions cap (total emissions cap) in accordance with the procedures set forth in a permit issued pursuant to [40 CFR 52.2454](#). If the site chooses the option of reducing the total emissions cap in accordance with the procedures set forth in such permit, the requirements of such permit shall apply in lieu of the otherwise applicable requirements of this subpart for such storage vessel.

(2) For any storage vessel at the site not subject to the requirements of [40 CFR 60.112b \(a\)](#) or [\(b\)](#), the requirements of [40 CFR 60.116b \(b\)](#) and [\(c\)](#) and the General Provisions ([subpart A of this part](#)) shall not apply.

[[52 FR 11429](#), Apr. 8, 1987, as amended at [62 FR 52641](#), Oct. 8, 1997]

§ 60.113b Testing and procedures.

The owner or operator of each storage vessel as specified in [§ 60.112b\(a\)](#) shall meet the requirements of [paragraph \(a\)](#), [\(b\)](#), or [\(c\)](#) of this section. The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of [§ 60.112b](#).

(a) After installing the control equipment required to meet [§ 60.112b\(a\)\(1\)](#) (permanently affixed roof and internal floating roof), each owner or operator shall:

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

(2) For Vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in [§ 60.115b\(a\)\(3\)](#). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

(3) For vessels equipped with a double-seal system as specified in [§ 60.112b\(a\)\(1\)\(ii\)\(B\)](#):

(i) Visually inspect the vessel as specified in [paragraph \(a\)\(4\)](#) of this section at least every 5 years; or

(ii) Visually inspect the vessel as specified in [paragraph \(a\)\(2\)](#) of this section.

(4) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or

other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in [paragraphs \(a\)\(2\)](#) and [\(a\)\(3\)\(ii\)](#) of this section and at intervals no greater than 5 years in the case of vessels specified in [paragraph \(a\)\(3\)\(i\)](#) of this section.

(5) Notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by [paragraphs \(a\)\(1\)](#) and [\(a\)\(4\)](#) of this section to afford the Administrator the opportunity to have an observer present. If the inspection required by [paragraph \(a\)\(4\)](#) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

(b) After installing the control equipment required to meet [§ 60.112b\(a\)\(2\)](#) (external floating roof), the owner or operator shall:

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

(i) Measurements of gaps between the tank wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within 60 days of the initial fill with VOL and at least once every 5 years thereafter.

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

(iii) If any source ceases to store VOL for a period of 1 year or more, subsequent introduction of VOL into the vessel shall be considered an initial fill for the purposes of [paragraphs \(b\)\(1\)\(i\)](#) and [\(b\)\(1\)\(ii\)](#) of this section.

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

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

(ii) Measure seal gaps around the entire circumference of the tank in each place where a 0.32-cm diameter uniform probe passes freely (without forcing or binding against seal)

between the seal and the wall of the storage vessel and measure the circumferential distance of each such location.

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

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

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

(i) The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal shall not exceed 212 cm^2 per meter of tank diameter, and the width of any portion of any gap shall not exceed 3.81 cm.

(A) One end of the mechanical shoe is to extend into the stored liquid, and the other end is to extend a minimum vertical distance of 61 cm above the stored liquid surface.

(B) There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

(ii) The secondary seal is to meet the following requirements:

(A) The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in [paragraph \(b\)\(2\)\(iii\)](#) of this section.

(B) The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 21.2 cm^2 per meter of tank diameter, and the width of any portion of any gap shall not exceed 1.27 cm.

(C) There are to be no holes, tears, or other openings in the seal or seal fabric.

(iii) If a failure that is detected during inspections required in [paragraph \(b\)\(1\) of § 60.113b\(b\)](#) cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in [§ 60.115b\(b\)\(4\)](#). Such extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

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

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

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

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

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

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

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

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

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

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

[[52 FR 11429](#), Apr. 8, 1987, as amended at [54 FR 32973](#), Aug. 11, 1989]

§ 60.114b Alternative means of emission limitation.

(a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in emissions at least equivalent to the reduction in emissions achieved by any requirement in [§ 60.112b](#), the Administrator will publish in the Federal Register a notice permitting the use of the alternative means for purposes of compliance with that requirement.

(b) Any notice under [paragraph \(a\)](#) of this section will be published only after notice and an opportunity for a hearing.

(c) Any person seeking permission under this section shall submit to the Administrator a written application including:

(1) An actual emissions test that uses a full-sized or scale-model storage vessel that accurately collects and measures all VOC emissions from a given control device and that accurately simulates wind and accounts for other emission variables such as temperature and barometric pressure.

(2) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.

(d) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same emissions reduction as specified in [§ 60.112b](#).

§ 60.115b Reporting and recordkeeping requirements.

The owner or operator of each storage vessel as specified in [§ 60.112b\(a\)](#) shall keep records and furnish reports as required by [paragraphs \(a\)](#), [\(b\)](#), or [\(c\)](#) of this section depending upon the

control equipment installed to meet the requirements of [§ 60.112b](#). The owner or operator shall keep copies of all reports and records required by this section, except for the record required by (c)(1), for at least 2 years. The record required by (c)(1) will be kept for the life of the control equipment.

(a) After installing control equipment in accordance with [§ 60.112b\(a\)\(1\)](#) (fixed roof and internal floating roof), the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of [§ 60.112b\(a\)\(1\)](#) and [§ 60.113b\(a\)\(1\)](#). This report shall be an attachment to the notification required by [§ 60.7\(a\)\(3\)](#).

(2) Keep a record of each inspection performed as required by [§ 60.113b \(a\)\(1\)](#), [\(a\)\(2\)](#), [\(a\)\(3\)](#), and [\(a\)\(4\)](#). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

(3) If any of the conditions described in [§ 60.113b\(a\)\(2\)](#) are detected during the annual visual inspection required by [§ 60.113b\(a\)\(2\)](#), a report shall be furnished to the Administrator within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

(4) After each inspection required by [§ 60.113b\(a\)\(3\)](#) that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in [§ 60.113b\(a\)\(3\)\(ii\)](#), a report shall be furnished to the Administrator within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of [§ 60.112b\(a\)\(1\)](#) or [§ 60.113b\(a\)\(3\)](#) and list each repair made.

(b) After installing control equipment in accordance with [§ 60.112b\(a\)\(2\)](#) (external floating roof), the owner or operator shall meet the following requirements.

(1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of [§ 60.112b\(a\)\(2\)](#) and [§ 60.113b\(b\)\(2\)](#), [\(b\)\(3\)](#), and [\(b\)\(4\)](#). This report shall be an attachment to the notification required by [§ 60.7\(a\)\(3\)](#).

(2) Within 60 days of performing the seal gap measurements required by [§ 60.113b\(b\)\(1\)](#), furnish the Administrator with a report that contains:

(i) The date of measurement.

(ii) The raw data obtained in the measurement.

(iii) The calculations described in [§ 60.113b \(b\)\(2\)](#) and [\(b\)\(3\)](#).

(3) Keep a record of each gap measurement performed as required by [§ 60.113b\(b\)](#). Each record shall identify the storage vessel in which the measurement was performed and shall contain:

- (i) The date of measurement.
- (ii) The raw data obtained in the measurement.
- (iii) The calculations described in [§ 60.113b \(b\)\(2\)](#) and [\(b\)\(3\)](#).

(4) After each seal gap measurement that detects gaps exceeding the limitations specified by [§ 60.113b\(b\)\(4\)](#), submit a report to the Administrator within 30 days of the inspection. The report will identify the vessel and contain the information specified in [paragraph \(b\)\(2\)](#) of this section and the date the vessel was emptied or the repairs made and date of repair.

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

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

(d) After installing a closed vent system and flare to comply with [§ 60.112b](#), the owner or operator shall meet the following requirements.

- (1) A report containing the measurements required by [§ 60.18\(f\) \(1\), \(2\), \(3\), \(4\), \(5\), and \(6\)](#) shall be furnished to the Administrator as required by [§ 60.8](#) of the General Provisions. This report shall be submitted within 6 months of the initial start-up date.
- (2) Records shall be kept of all periods of operation during which the flare pilot flame is absent.
- (3) Semiannual reports of all periods recorded under [§ 60.115b\(d\)\(2\)](#) in which the pilot flame was absent shall be furnished to the Administrator.

[[52 FR 11429](#), Apr. 8, 1987, as amended at [86 FR 5019](#), Jan. 19, 2021]

§ 60.116b Monitoring of operations.

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

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

(c) Except as provided in [paragraphs \(f\)](#) and [\(g\)](#) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m³ storing a liquid with a maximum true vapor pressure greater than or equal to 3.5 kPa or with a design capacity greater than or equal to 75 m³ but less than 151 m³ storing a liquid with a maximum true vapor pressure greater than or equal to 15.0 kPa shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.

(d) Except as provided in [paragraph \(g\)](#) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m³ storing a liquid with a maximum true vapor pressure that is normally less than 5.2 kPa or with a design capacity greater than or equal to 75 m³ but less than 151 m³ storing a liquid with a maximum true vapor pressure that is normally less than 27.6 kPa shall notify the Administrator within 30 days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor pressure values for each volume range.

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

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

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

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

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

(3) For other liquids, the vapor pressure:

- (i) May be obtained from standard reference texts, or
 - (ii) Determined by ASTM D2879-83, 96, or 97 (incorporated by reference - see [§ 60.17](#)); or
 - (iii) Measured by an appropriate method approved by the Administrator; or
 - (iv) Calculated by an appropriate method approved by the Administrator.
- (f) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements:
- (1) Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in [paragraph \(e\)](#) of this section.
 - (2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in [§ 60.112b\(a\)](#), an initial physical test of the vapor pressure is required; and a physical test at least once every 6 months thereafter is required as determined by the following methods:
 - (i) ASTM D2879-83, 96, or 97 (incorporated by reference - see [§ 60.17](#)); or
 - (ii) ASTM D323-82 or 94 (incorporated by reference - see [§ 60.17](#)); or
 - (iii) As measured by an appropriate method as approved by the Administrator.
- (g) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specification of [§ 60.112b](#) or with emissions reductions equipment as specified in [40 CFR 65.42\(b\)\(4\)](#), [\(b\)\(5\)](#), [\(b\)\(6\)](#), or [\(c\)](#) is exempt from the requirements of [paragraphs \(c\)](#) and [\(d\)](#) of this section.

[[52 FR 11429](#), Apr. 8, 1987, as amended at [65 FR 61756](#), Oct. 17, 2000; [65 FR 78276](#), Dec. 14, 2000; [68 FR 59333](#), Oct. 15, 2003]

§ 60.117b Delegation of authority.

- (a) In delegating implementation and enforcement authority to a State under section 111(c) of the Act, the authorities contained in [paragraph \(b\)](#) of this section shall be retained by the Administrator and not transferred to a State.
- (b) Authorities which will not be delegated to States: [§§ 60.111b\(f\)\(4\)](#), [60.114b](#), [60.116b\(e\)\(3\)\(iii\)](#), [60.116b\(e\)\(3\)\(iv\)](#), and [60.116b\(f\)\(2\)\(iii\)](#).

[[52 FR 11429](#), Apr. 8, 1987, as amended at [52 FR 22780](#), June 16, 1987]