

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 2-6101-00105/00017 Modification Number: 2**



**10/27/2005**

**Facility Identification Data**

Name: MOTIVA ENTERPRISES LLC  
Address: 25 PAIDGE AVE  
BROOKLYN, NY 11222-1281

**Owner/Firm**

Name: MOTIVA ENTERPRISES LLC  
Address: 910 LOUISIANA ST OSP 2543  
HOUSTON, TX 77002, USA  
Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:  
Name: ELIZABETH A CLARKE  
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Division of Air Resources:  
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Air Permitting Contact:  
Name: MARIO A D'ANTONIO  
Address: MOTIVA ENTERPRISES LLC  
25 PAIDGE AVE  
BROOKLYN, NY 11222-1281  
Phone:7183384066

**Permit Description**

**Introduction**

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

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#### Summary Description of Proposed Project

The Department has received an EPA Order to modify the Title V permit that was issued to Motiva Enterprises, LLC on 11/07/2003. This EPA Order is the result of responding to a petition submitted by NYPIRG.

The Title V permit for Motiva Enterprises, LLC, is modified as per the EPA Order, Petition # II-2002-05. The modified permit includes the following:

1. Adding conditions to regulations 6 NYCRR 202-2.3 and 6 NYCRR 202-2.4 as applicable requirements of an emission statement. These conditions include required contents of an emission statement, and methods and procedures of an emission statement.
2. Adding two conditions to regulation 6 NYCRR 211.3 for general prohibitions - visible emissions limited. One condition for mandatory opacity provision, and the other condition is for periodic monitoring of opacity using Method 9.
3. Adding a condition to regulation 6 NYCRR 225-3.6 for severability. This new condition includes the recordkeeping and reporting requirements pertaining to the gasoline's RVP and shipping documentation.
4. Revising the condition for 6 NYCRR 229.5(c) to include a semi-annual reporting requirement with respect to the facility's average daily gasoline throughput (at the gasoline loading terminals).
5. Adding the type of control (floating roof) to each of the ten fixed roof storage tanks. These ten tanks are of different volumes containing gasoline or petroleum distillates with internal floating roofs. The ten storage tanks, TANKS # 41, # 49, # 42, # 43, # 47, # 44, # 50, # 45, # 46 and # 48 correspond to Emission Sources 0000V, 0000X, 000II, 000IV, 000IX, 000VI, 000XI, 00III, 00VII & 0VIII, and correspond to Emission Controls T000V, T000X, T00II, T00IV, T00IX, T00VI, T00XI, T0III, T0VII, and T0VIII, respectively.
6. Revising the condition for 6 NYCRR 229.3(e)(1) to include that whenever activities pertaining to the replacement of any liquid mounted seal are performed, a record detailing those activities pertaining to 6 NYCRR § 229.3(e)(1) will be generated and kept for 5 years.
7. Revising Process GDT in Emission Unit U-GTANK to include the following statement "The facility is subject to and will operate in compliance with a gasoline throughput limits of 526,900,000 gallons/year."
8. Providing technical basis through facility's emission calculations for the relationship between the gasoline throughput limit of 526,900,000 gal/yr and the 10 ton individual HAP and 25 ton total HAPs emission threshold. The data supporting these numbers can be found in the table attachment titled "Motiva's Summary of Potential Emissions" following page 100 of this permit.
9. Moving the condition for 6 NYCRR 225-3.3(a) from the state-side to the federal-side. Also, modifying the condition for 6 NYCRR 225-3.3(a) to state that all records and documentation pertaining to gasoline delivery at Motiva shall be maintained for at least five years from the date of delivery.
10. Explaining in the monitoring description for 6 NYCRR 229.3(d)(1), that this regulatory emission

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limit of gasoline vapors (VOC), which is 0.67 pounds per 1,000 gallons of gasoline loaded or unloaded (which is equivalent to 80 mg/liter) has been superseded by a new, more stringent emission limit of 7 mg/liter(6-hour rolling average). The 0.67 pounds/1000 gallons is equivalent to 80 mg/liter as shown below:

$$0.67 \text{ lbs}/1000 \text{ gal} \times 1 \text{ kg}/2.2046 \text{ lbs} \times (1,000,000 \text{ mg}/1 \text{ kg}) \times 1 \text{ gal}/3.785 = 80.29 \text{ mg/liter}$$

11. Clarifying the inspection frequency of the vapor collection and control systems per 40 CFR 60.113b(a)(1-4) to be every calendar quarter to ensure compliance with 6 NYCRR 229.3(a).

12. Specifying that for the petroleum fixed roof tanks (Storage Tanks # 41, # 42, # 45 and # 46 in Emission Unit U-GTANK), at a minimum, an annual inspection frequency of the floating roof and secondary seals from the tank roof hatch is required.

### Attainment Status

MOTIVA ENTERPRISES LLC is located in the town of BROOKLYN in the county of KINGS. The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

\* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

\*\* NOx has a separate ambient air quality standard in addition to being an ozone precursor

### Facility Description

Motiva Enterprises LLC, located at 25 Paidge Avenue in Brooklyn, operating since 1945, supplies gasoline to retail, commercial, and industrial customers. This facility is a bulk storage and terminal facility with a truck loading rack to load gasoline, distillates, denatured ethanol and additives into truck tanks. This facility stores gasoline, denatured ethanol, and gasoline additives prior to distribution.



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Product is received via pipeline, truck and barge. Product is distributed via truck.

The facility is a gasoline loading facility consisting of nineteen (19) storage tanks, of which ten (10) are internal floating roof used for gasoline or petroleum distillates storage, and nine (9) are fixed roof used for gasoline additives, and the vapor recovery unit (VRU) which collects, absorbs and condenses the vapors displaced from gasoline loading into the tank trucks. The VRU uses two activated carbon adsorption beds alternately with a vacuum system that removes the vapors recovered from the fuel trucks during loading.

Storage Tanks # 41, # 42, # 45 and # 46 will have the flexibility of being used for either denatured ethanol storage or gasoline/petroleum distillates storage. Storage Tanks # 41, # 42, # 45 and # 46 may also be used for denatured ethanol storage.

Storage Tanks # 41, # 42, # 45 and # 46 are fixed roof tanks with internal floating roofs.

**Permit Structure and Description of Operations**

The Title V permit for MOTIVA ENTERPRISES LLC is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process.

A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device.

[NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

MOTIVA ENTERPRISES LLC is defined by the following emission unit(s):

Emission unit U00VRU - VAPOR RECOVERY UNIT: Vapors displaced from gasoline and denatured ethanol loading are processed in a vapor recovery unit. This unit uses two carbon adsorption beds alternately with a vacuum system employed to facilitate desorbtion.

Emission unit U00VRU is associated with the following emission points (EP):

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0000I, 00VRU

It is further defined by the following process(es):

Process: VRU is located at VAPOR RECOVERY UNIT, Building VRU - 1) HYDROCARBON VAPOR & AIR MIXTURE IS COLLECTED FROM TRUCK. 2) LOADING VIA TIGHT CONNECTIONS MADE TO THE TOP OF THE TRUCKS FOR BOTH THE PRODUCT AND VAPOR. 3) THE VAPOR IS CARRIED IN PIPING TO THE VAPOR CONDENSER LOCATED ON THE VAPOR RECOVERY UNIT (VRU) SKID. 4) CONDENSED LIQUID HYDROCARBON COLLECTED AT BOTTOM OF VAPOR CONDENSER AND RETURNED TO STORAGE.

THE FACILITY IS SUBJECT TO AND WILL OPERATE IN COMPLIANCE WITH A GASOLINE THROUGHPUT LIMIT OF 526,900,000 GALLONS/YEAR.

Emission unit UGTANK - THERE ARE TEN (10) STORAGE TANKS OF DIFFERENT VOLUMES CONTAINING GASOLINE OR PETROLEUM DISTILLATES, TANKS 41, 49, 42, 43, 47, 44, 50, 45, 46 AND 48. THESE GASOLINE OR PETROLEUM DISTILLATES STORAGE TANKS CORRESPOND TO EMISSION POINTS AND EMISSION SOURCE/CONTROL 0000V, 0000X, 000II, 000IV, 000IX, 000VI, 000XI, 00III, 00VII, and 0VIII RESPECTIVELY. ALL THESE STORAGE TANKS ARE FIXED ROOF TANKS WITH INTERNAL FLOATING ROOFS.

Emission unit UGTANK is associated with the following emission points (EP):

0000V, 0000X, 000II, 000IV, 000IX, 000VI, 000XI, 00III, 00VII, 0VIII

It is further defined by the following process(es):

Process: GDT is located at 41,42,43,44,45,46,47, Building GDTANKS - GASOLINE/DISTILLATE. 1) CONTROL OF VAPOR LOSSES DUE TO STANDING AND WORKING OF STORAGE TANKS. 2) THE INTERNAL FLOATING ROOF TANK COMPARED WITH ATMOSPHERIC PRESSURE TANKS ACHIEVES A HIGH PERCENT REDUCTION OF EVAPORATION LOSS BECAUSE THE ROOF FLOATS ON THE PRODUCT AND AIR SPACE IS ALMOST COMPLETELY ELIMINATED.

THERE ARE TEN (10) STORAGE TANKS OF DIFFERENT VOLUMES CONTAINING GASOLINE OR PETROLEUM DISTILLATES, TANKS 41, 42, 43, 44, 45, 46, 47, 48, 49 AND 50. ALL THESE STORAGE TANKS ARE FIXED ROOF TANKS WITH INTERNAL FLOATING ROOFS.

STORAGE TANKS # 41, # 42, # 45 AND # 46 WILL HAVE THE FLEXIBILITY OF BEING USED FOR EITHER DENATURED ETHANOL STORAGE OR GASOLINE/PETROLEUM DISTILLATES STORAGE. TANKS # 41, # 42, # 45 AND # 46 MAY ALSO BE USED FOR DENATURED ETHANOL STORAGE.

THE FACILITY IS SUBJECT TO AND WILL OPERATE IN COMPLIANCE WITH A GASOLINE THROUGHPUT LIMIT OF 526,900,000 GALLONS/YEAR.

Emission unit UADTNK - NINE STORAGE TANKS OF DIFFERENT VOLUMES CONTAINING GASOLINE ADDITIVES, INCLUDES BOTH VERTICAL AND HORIZONTAL TANKS. THERE ARE NINE (9) GASOLINE ADDITIVE TANKS, FOUR OF THESE ARE VERTICAL TANKS WITH CONE FIXED ROOFS, TANKS 7, 8, 9 AND 10. THE OTHER FIVE TANKS ARE HORIZONTAL, TANKS 51, 52, 53, 54, AND 55. GASOLINE ADDITIVE TANKS 7, 55, 8, 9, 53, 51, 10, 52 AND 54

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CORRESPOND TO EMISSION POINTS AND EMISSION SOURCE/CONTROL 000XV, 000XX, 00XII, 00XIV, 00XIX, 00XVI, 0XIII, 0XVII and XVIII RESPECTIVELY. THE EMISSIONS FROM THESE ADDITIVE TANKS ARE INSIGNIFICANT.

Emission unit UADTNK is associated with the following emission points (EP):

000XV, 000XX, 00XII, 00XIV, 00XIX, 00XVI, 0XIII, 0XVII, XVIII

It is further defined by the following process(es):

Process: ADT is located at 7,8,9,10,51,52,54,55 - ADDITIVE STORAGE TANKS. FOUR OF THESE TANKS (7, 8, 9 & 10) ARE VERTICAL TANKS WITH CONE FIXED ROOFS. THE OTHER FIVE TANKS (51, 52, 54, 55 & 56) ARE HORIZONTAL TANKS. THE EMISSIONS FROM THESE ADDITIVE TANKS ARE INSIGNIFICANT. THE FACILITY IS WILLING TO ACCEPT A FEDERALLY ENFORCEABLE LIMIT OF 541,000,000 GALLONS/YEAR THROUGHPUT.

**Title V/Major Source Status**

MOTIVA ENTERPRISES LLC is subject to Title V requirements. This determination is based on the following information:

Motiva Enterprises LLC is a major facility subject to the Title V requirements because the potential emissions of volatile organic compounds (VOC) is greater than the major source thresholds, which is 25 tons per year for volatile organic compounds for major facilities located in the severe ozone nonattainment area.

**Program Applicability**

The following chart summarizes the applicability of MOTIVA ENTERPRISES LLC with regards to the principal air pollution regulatory programs:

<b>Regulatory Program</b>	<b>Applicability</b>
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO

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RACT	NO
SIP	YES

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**NOTES:**

**PSD** Prevention of Significant Deterioration (40 CFR 52) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

**NSR** New Source Review (6 NYCRR Part 231) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

**NESHAP** National Emission Standards for Hazardous Air Pollutants (40 CFR 61) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's)

**MACT** Maximum Achievable Control Technology (40 CFR 63) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

**NSPS** New Source Performance Standards (40 CFR 60) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

**Title IV** Acid Rain Control Program (40 CFR 72 thru 78) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

**Title VI** Stratospheric Ozone Protection (40 CFR 82, Subparts A thru G) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

**RACT** Reasonably Available Control Technology (6 NYCRR Parts 212.10, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to

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those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

### Compliance Status

Facility is in compliance with all requirements

### SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code	Description
5171	PETROLEUM BULK STATIONS & TERMINALS

### SCC Codes

SCC or Source Classification Code is a code developed and used by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information. Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code	Description
4-04-002-50	BULK TERMINALS/PLANTS
BULK PLANTS Loading Racks	
4-04-001-60	BULK TERMINALS/PLANTS BULK TERMINALS INTERNAL FLOAT ROOF W/ PRIMARY SEAL-SPECIFY LIQUID:STANDING LOSS
4-07-999-97	ORGANIC CHEMICAL STORAGE ORGANIC CHEMICAL STORAGE - MISCELLANEOUS Specify in Comments

### Facility Emissions Summary

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In the following table, the CAS No. or Chemical Abstract Series code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
000092-52-4	1, 1 BIPHENYL (HAP)	19900	
000106-99-0	1, 3 -BUTADIENE (HAP)	19900	
000071-43-2	BENZENE (HAP)	19900	
000098-82-8	BENZENE, (1-METHYLETHYL) (HAP)	19900	
001319-77-3	CRESYLIC ACID (HAP)	19900	
000100-41-4	ETHYLBENZENE (HAP)	19900	
000050-00-0	FORMALDEHYDE (HAP)	19900	
0NY100-00-0	HAP	49000	
000110-54-3	HEXANE (HAP)	19900	
001634-04-4	METHYL TERTBUTYL ETHER (HAP)	19900	
000091-20-3	NAPHTHALENE (HAP)	19900	
000540-84-1	PENTANE, 2,2,4-TRIMETHYL- (HAP)	19900	
000108-95-2	PHENOL (HAP)	19900	
000100-42-5	STYRENE (HAP)	19900	
000108-88-3	TOLUENE (HAP)	19900	
0NY998-00-0	VOC	112860	
001330-20-7	XYLENE, M, O & P MIXT. (HAP)	19900	

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A:**

**Sealing - 6NYCRR Part 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation. Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment

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associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6NYCRR Part 200.7**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

**Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2**

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and

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any subsequent requirements applicable to existing sources or facilities.

**Item E: Emergency Defense - 6NYCRR Part 201-1.5**

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**Item F: Recycling and Salvage - 6NYCRR Part 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8**

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

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**Item H: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)**

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

**Item I: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request.

Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item J: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request.

Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item K: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**

Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Item L: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**

Any application, form, report or compliance certification required to

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be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. 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.

**Item M: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**Item N: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)**

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item O: Providing Information Upon Request - 6 NYCRR Part 201-6.5(a)(4)**

The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

**Item P: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 201-6.5(a)(5)**

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

**Item Q: Property Rights - 6 NYCRR Part 201-6.5(a)(6)**

This permit does not convey any property rights of any sort or any

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exclusive privilege.

**Item R: Fees - 6 NYCRR Part 201-6.5(a)(7)**

The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by 6 NYCRR Subpart 482-2.

**Item S: Right to Inspect - 6 NYCRR Part 201-6.5(a)(8)**

Upon presentation of credentials and other documents, as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

- i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Item T: Severability - 6 NYCRR Part 201-6.5(a)(9)**

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

**Item U: Progress Reports and Compliance Schedules - 6 NYCRR Part 201-6.5(d)(5)**

Progress reports consistent with an applicable schedule of compliance must be submitted at least semiannually on a calendar year basis, or at a more frequent period if specified in the applicable requirement or by the Department elsewhere in this permit. These reports shall be submitted to the Department within 30 days after the end of a reporting period. Such progress reports shall contain the following:

- i. Dates for achieving the activities, milestones, or compliance

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required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**Item V: Off Permit Changes - 6 NYCRR Part 201-6.5(f)(6)**

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provisions of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the Administrator and the Department with written notification in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

**Item W: Permit Shield - 6 NYCRR Part 201-6.5(g)**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such

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pollution;

ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;

iii. The applicable requirements of Title IV of the Act;

iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

**Item X: Reopening for Cause - 6 NYCRR Part 201-6.5(i)**

This Title V permit shall be reopened and revised under any of the following circumstances:

i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

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Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

**Item Y: Required Emission Tests - 6 NYCRR Part 202-1.1**

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6NYCRR Part 202-1.

**Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3**

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

**Item AA: Open Fires - 6 NYCRR Part 215**

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.

**Item BB: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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**Item CC: Federally Enforceable Requirements - 40 CFR 70.6(b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**Regulatory Analysis**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Short Description</b>	<b>Condition</b>
FACILITY	ECL 19-0301	Powers and Duties of the Department with respect to air pollution control	1-47
FACILITY	40CFR 60-A.4	General provisions - Address	49
FACILITY	40CFR 60-A.7 (b)	Notification and Recordkeeping	50
FACILITY	40CFR 60-A.7 (f)	Notification and Recordkeeping	51
FACILITY	40CFR 60-XX	Gasoline terminal loading racks over 20,000 gallons per day	52
U-00VRU	40CFR 60-XX	Gasoline terminal loading	1-23

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		racks over 20,000 gallons per day	
U-00VRU	40CFR 60-XX.502(b)	Gasoline terminal loading racks over 20,000 gallons/day - standards for VOC	78
U-00VRU/-/VRU	40CFR 60-XX.502(e)	Gasoline terminal loading racks over 20,000 gallons/day - standards for VOC	1-27
U-00VRU	40CFR 60-XX.502(f)	Gasoline terminal loading racks over 20,000 gallons/day - standards for VOC	80
U-00VRU	40CFR 60-XX.502(g)	Gasoline terminal loading racks over 20,000 gallons/day - standards for VOC	81
U-00VRU	40CFR 60-XX.502(h)	Gasoline terminal loading racks over 20,000 gallons/day - standards for VOC	82
U-00VRU	40CFR 60-XX.502(i)	Gasoline terminal loading racks over 20,000 gallons/day - standards for VOC	83
U-00VRU	40CFR 60-XX.502(j)	Gasoline terminal loading racks over 20,000 gallons/day - standards for VOC	84
U-00VRU/-/VRU	40CFR 60-XX.502(j)	Gasoline terminal loading racks over 20,000 gallons/day - standards for VOC	1-28
U-00VRU/-/VRU	40CFR 60-XX.505(b)	Gasoline terminal loading racks over 20,000 gallons/day - reporting and recordkeeping	1-29
U-00VRU/-/VRU	40CFR 60-XX.505(c)	Gasoline terminal loading racks over 20,000 gallons/day - reporting and recordkeeping	1-30
U-00VRU	40CFR 60-XX.505(d)	Gasoline terminal loading racks over 20,000 gallons/day - reporting and recordkeeping	88
FACILITY	40CFR 63-R.420(a)		2-18, 2-19, 2-20, 2-21, 2-24, 2-25
U-00VRU	40CFR 63-R.420(a)(2)		1-24
FACILITY	40CFR 63-R.420(d)		2-16
FACILITY	40CFR 63-R.427	Subpart R standard: Continuous monitoring	2-22
FACILITY	40CFR 63-R.428	Subpart R standard: Reporting and recordkeeping	2-23
FACILITY	40CFR 68	Chemical accident prevention provisions	2-6
FACILITY	6NYCRR 201-1.4	Unavoidable noncompliance and violations	103



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FACILITY	6NYCRR 201-6	Title V Permits and the Associated Permit Conditions	23, 67, 68
FACILITY	6NYCRR 201-6.5(c)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	1-1
FACILITY	6NYCRR 201-6.5(c)(2)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	1-2
FACILITY	6NYCRR 201-6.5(c)(3)(ii)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	24
FACILITY	6NYCRR 201-6.5(e)	Compliance Certification	1-3
FACILITY	6NYCRR 201-6.5(g)	Permit shield	1-4
FACILITY	6NYCRR 201-7	Federally-Enforceable Emission Caps	2-14, 2-15, 2-16, 2-17, 2-18, 2-19, 2-20, 2-21, 2-22, 2-23, 2-24, 2-25, 2-28
FACILITY	6NYCRR 201-7.2	Emission capping using synthetic minor permits.	2-26, 2-29
U-00VRU/00VRU/VRU	6NYCRR 201-7.2	Emission capping using synthetic minor permits.	2-30, 2-31
FACILITY	6NYCRR 202-2.1	Emission Statements - Applicability	29
FACILITY	6NYCRR 202-2.3	Emission Statement - Required contents of an emission statement.	2-1
FACILITY	6NYCRR 202-2.4	Emission Statement - methods and procedures	2-2
FACILITY	6NYCRR 202-2.5	Emission Statements - record keeping requirements.	30
FACILITY	6NYCRR 211.2	General Prohibitions - air pollution prohibited.	106
FACILITY	6NYCRR 211.3	General Prohibitions - visible emissions limited	2-3
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FACILITY	6NYCRR 225.1(a)(3)	Sulfur in Fuel Limitations (SIP)	1-6, 1-7
FACILITY	6NYCRR 225-1.8(b)	Reports, sampling and analysis.	1-5
U-00VRU	6NYCRR 225-1.8(c)	Reports, sampling, and analysis	1-22
FACILITY	6NYCRR 225-1.8(d)	Reports, sampling, and analysis	36
FACILITY	6NYCRR 225-3.3(a)	RVP Limitation - May 1st through September 15th	2-4

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FACILITY	6NYCRR 225-3.4 (a)	Gasoline records to be maintained	1-49
FACILITY	6NYCRR 225-3.6	Severability	2-27
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U-GTANK	6NYCRR 229.3 (a)	Petroleum fixed roof tank control requirements	2-9
U-GTANK/0000V/GDT/0000V	6NYCRR 229.3 (a) (1)	Petroleum fixed roof tank control requirements	1-39
U-GTANK/000II/GDT/000II	6NYCRR 229.3 (a) (1)	Petroleum fixed roof tank control requirements	1-41
U-GTANK/00III/GDT/00III	6NYCRR 229.3 (a) (1)	Petroleum fixed roof tank control requirements	1-43
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U-GTANK/-/GDT	6NYCRR 229.3 (e) (1)	Volatile organic liquid storage tanks	102
U-GTANK/0000V/GDT/0000V	6NYCRR 229.3 (e) (1)	Volatile organic liquid storage tanks	2-10
U-GTANK/000II/GDT/000II	6NYCRR 229.3 (e) (1)	Volatile organic liquid storage tanks	2-11
U-GTANK/00III/GDT/00III	6NYCRR 229.3 (e) (1)	Volatile organic liquid storage tanks	2-12
U-GTANK/00VII/GDT/00VII	6NYCRR 229.3 (e) (1)	Volatile organic liquid storage tanks	2-13
U-ADTNK/-/ADT	6NYCRR 229.3 (e) (2) (v)	Volatile organic liquid storage tanks	1-36
U-00VRU/00VRU/VRU	6NYCRR 229.4	Testing and monitoring.	96
FACILITY	6NYCRR 229.5	Recordkeeping.	1-8
U-GTANK	6NYCRR 229.5 (a)	Recordkeeping - petroleum liquid fixed roof storage tanks	1-38
FACILITY	6NYCRR 229.5 (c)	Recordkeeping - gasoline loading terminals	2-5
U-ADTNK	6NYCRR 229.5 (d)	Recordkeeping - VOL storage tanks	1-35
U-00VRU/-/VRU	6NYCRR 230.4 (e)	Gasoline transport vehicles - prohibitions and requirements.	1-25
U-00VRU/-/VRU	6NYCRR 230.4 (g)	Gasoline transport vehicles - prohibitions and requirements.	1-26
FACILITY	6NYCRR 231-2	New Source Review in Nonattainment Areas and Ozone Transport Region	2-15, 2-17

**Applicability Discussion:**

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-301.

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

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6NYCRR Part 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6NYCRR Part 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6NYCRR Part 201-6.5(c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6NYCRR Part 201-6.5(c)(2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6NYCRR Part 201-6.5(c)(3)(ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR Part 201-6.5(e)

Sets forth the general requirements for compliance certification content; specifies

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an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6NYCRR Part 201-6.5(g)

Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

6NYCRR Part 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6NYCRR Part 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6NYCRR Part 211-.2

This regulation prohibits any emissions of air contaminants to the outdoor atmosphere which may be detrimental to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyment of life or property regardless of the existence of any specific air quality standard or emission limit.

6 NYCRR Part 211.3

This condition requires that the opacity (i.e., the degree to which emissions other than water reduce the transmission of light) of the emissions from any air contamination source be less than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent.

40 CFR Part 68.

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

**Facility Specific Requirements**

In addition to Title V, MOTIVA ENTERPRISES LLC has been determined to be subject to the following regulations:

40CFR 60-A.4

This condition lists the USEPA Region 2 address for the submittal of all communications to the "Administrator". In addition, all such communications must be copied to NYSDEC Bureau of Enforcement and Compliance Assurance.

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40CFR 60-A.7 (b)

This regulation requires the owner or operator to maintain records of the occurrence and duration of any start up, shutdown, or malfunction of the source or control equipment or continuous monitoring system.

40CFR 60-A.7 (f)

This condition specifies requirements for maintenance of files of all measurements, including continuous monitoring system (CMS), monitoring device, and performance testing measurements; all CMS performance evaluations; all CMS or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices for at least two years.

40CFR 60-XX

This regulation applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This regulation requires the facility to conduct a stack test for the adsorption/absorption vapor recovery unit to show that the VRU is operating below the 35 milligram per liter limit as per 40CFR 60 Subpart XX.

40CFR 60-XX.502 (b)

This regulation applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This regulation limits the emissions from the vapor collection system to the atmosphere due to the loading of liquid product into gasoline tank trucks to 35 milligrams of total organic compounds per liter of gasoline loaded. An initial performance test is required to demonstrate compliance with the emission limit for the vapor processing system.

40CFR 60-XX.502 (e)

This regulation specifies the procedures for loading liquid product into vapor-tight gasoline trucks.

40CFR 60-XX.502 (f)

This regulation applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This regulation requires facilities that load liquid product into gasoline tank trucks to be limited to trucks with vapor collection equipment that is compatible with the terminal vapor collection system.

40CFR 60-XX.502 (g)

This regulation applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This regulation requires facilities that load liquid product into gasoline tank trucks to connect the terminal and the tank truck vapor collection systems during gasoline loading.

40CFR 60-XX.502 (h)

This regulation applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This regulation requires facilities that load liquid product into gasoline tank trucks to design and operate the vapor collection and liquid loading equipment to prevent the gauge pressure in the delivery tank from exceeding 4,500 Pascals (450 millimeters of water) during product loading.

40CFR 60-XX.502 (i)

This regulation applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This regulation prohibits facilities that load liquid product into gasoline tank trucks from opening the pressure-vacuum

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vent in the terminal vapor collection system at a pressure less than 4,500 Pascals (450 millimeters of water).

40CFR 60-XX.502 (j)

This regulation requires the inspection of the vapor collection system, the vapor processing system, and each loading rack handling gasoline during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks, each calendar month. Each detection of a leak is to be recorded and the source of the leak repaired within 15 calendar days after it is detected.

40CFR 60-XX.505 (b)

The documentation file for each gasoline tank truck is to 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).

40CFR 60-XX.505 (c)

This regulation requires that a record of each monthly leak inspection required 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.

40CFR 60-XX.505 (d)

This regulation applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This regulation requires facilities that load liquid product into gasoline tank trucks to keep records at the terminal for at least two years of notifications sent to truck operators or owners which had not supplied pressure testing results to the terminal before loading. untested truck notification records.

40CFR 63-R.420 (a)

The affected source to which the provisions of this subpart - the Gasoline Distribution MACT (40 CFR 63 subpart R) - apply is each bulk terminal except those bulk gasoline terminals for which the results, ET (emissions screening factor for bulk gasoline terminals) of the calculation in paragraph (a)(1) or (b)(1) of this section has been documented and recorded to the Administrator's satisfaction, is less than 1.0 and

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complies with requirements in paragraphs (c), (d), (e) and (f) of this section. Also, a facility is exempt from the requirements of this subpart, if the owner or operator shall 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. Also, a bulk gasoline terminal is exempt 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 Part 63.2 of Subpart A of this part. Monitoring of gasoline throughput on a 12 month rolling average will be used to cap out of the requirements of 40 CFR 63.420 - Gasoline Distribution Facilities.

A facility can remain below the applicability criteria of the Gasoline Distribution MACT (40 CFR 63 subpart R) by limiting its annual gasoline throughput per year on a twelve month rolling average basis to a level as to maintain an "area source" status for 40 CFR 63 subpart R. This will ensure that the emissions screening factor for bulk gasoline to be less than 1.0. By limiting the annual gasoline throughput, the facility will be below 25 tons per year for total HAPs and below 10 tons per year for each individual HAP. Records of annual gasoline throughput and HAP emissions will be maintained at the facility for a period of five years.

40CFR 63-R.420 (a) (2)

This subdivision of the Gasoline Distribution MACT exempts non-major sources of hazardous air pollutants from the regulation.

40CFR 63-R.420 (d)

A facility for which the results, Et (emissions screening factor for bulk gasoline terminals) or Ep (emissions screening factor for pipeline breakout stations) 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 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.

A facility can also remain below the applicability criteria of the Gasoline Distribution MACT (40 CFR 63 subpart R) by limiting its annual gasoline throughput per year on a twelve month rolling average basis to a level as to maintain an "area source" status for 40 CFR 63 subpart R. This will ensure that the emissions screening factor for bulk gasoline to be less than 1.0. By limiting the annual gasoline throughput, the facility will be below 25 tons per year for total HAPs and below 10 tons per year for each individual HAP. Records of annual gasoline throughput and HAP emissions will be maintained at the facility for a period of five years.

40CFR 63-R.427

This regulation requires gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations) subject to the MACT (section 63 NESHAPS) - facilities that emit greater than or equal to 10 tons per year of any one HAP or greater than or equal to 25 tons per year of total HAP - that choose a carbon adsorption system for limiting the HAP emissions, to install in the exhaust air stream of the carbon adsorption unit and operate a continuous emission monitoring system (CEMS) capable of measuring organic compound concentration as per 40CFR63 Subpart R:

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40CFR 63-R.428

This regulation requires gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations) subject to the MACT (section 63 NESHAPS) - facilities that emit greater than or equal to 10 tons per year of any one HAP or greater than or equal to 25 tons per year of total HAP - to maintain the following records on site as per 40CFR63 Subpart R:

1. Records of the test results for each gasoline cargo tank loading at the facility, including results of the annual certification testing performed under 40CFR63.425(e), and continuous performance testing performed at that facility under 40CFR63.425(f), (g) and (h).
2. Up to date, readily accessible records of all continuous monitoring data.
3. All data and calculations used to determine the operating parameter value used to monitor the loading rack control device and demonstrate continuous compliance.
4. Records of all tank inspections, defects found, and measures taken to correct the defects, as required by 40CFR60.115b. These records must maintained for five years.
5. A log book of the leak detection and repair program.

6NYCRR 201-6.5 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR 201-7

This subpart specifies how a source owner or operator may opt to avoid being subject to one or more applicable requirements to which the source or unit would have otherwise been subject, or where needed to establish an emission reduction credit by accepting federally-enforceable permit conditions restricting or capping emissions.

6NYCRR 201-7.2

This section of Part 201-7 specifies the criteria that need to be met in order to restrict emissions to avoid Title V or other applicable requirements using federally enforceable permit conditions in a state facility permit.

6NYCRR 202-2.3

This rule specifies the information to be included in a required emission statement.

6NYCRR 202-2.4

This regulation specifies that any required emission statement must be submitted to the Department before April 15 each year for emissions of the previous calendar year. The regulation also establishes a set of acceptable emissions estimation methods that may be used including the use of monitoring methods, if accepted by the department, and the transmittal of the emission statement information to the Department. Finally, such information may be designated as confidential, as per department approval,

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except for the following information: emissions, estimated emissions method, and the Source Classification Code.

6NYCRR 225.1 (a) (3)

This regulation limits the amount of sulfur that can be in fuel burned at a stationary source. It references Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. **NOTE: This citation has been replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP).**

6NYCRR 225-1.8 (b)

Upon request the owner or operator of a facility which purchases and fires coal or oil shall submit reports to the commissioner containing a fuel analysis, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1. All records shall be available for a minimum of three years

6NYCRR 225-1.8 (c)

This regulation requires the owner or operator of a source subject to 6 NYCRR Part 225-1 to maintain and retain monitoring records and make them available for inspectors during regular business hours.

6NYCRR 225-1.8 (d)

This requires that sampling, compositing and analysis of fuel samples must be done in accordance with methods acceptable to the commissioner.

6NYCRR 225-3.3 (a)

This regulation prohibits the sale of any gasoline to a retailer or wholesale purchaser-consumer, which has a Reid vapor pressure greater than 9.0 pounds per square inch (psi) as sampled and tested by methods acceptable to the commissioner, during the period May 1st through September 15th of each year beginning 1989.

6NYCRR 225-3.4 (a)

This regulation specifies the records that must be maintained for the gasoline that is being delivered to or distributed from an applicable facility. The records include: the RVP of the gasoline (if subject to the RVP limitations of 225-3.3); a designation of the appropriate time period(s) the gasoline is to be dispensed to motor vehicles; and a written certification that the gasoline conforms with the RVP and oxygen requirements and is in compliance with applicable federal and state regulations.

6NYCRR 225-3.6

This regulation specifies that each provision of this Subpart shall be deemed severable, and in the event that any section of this Subpart is held to be invalid, the remainder of this Subpart shall continue in full force and effect.

6NYCRR 229.1 (g) (5)

This regulation requires the owners or operators of processes subject to this Part must maintain the VOC control requirements included in any existing permit, regulation, rule, administrative order, or any judicial

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order until compliance with the provisions of 6NYCRR Part 229 is demonstrated to the satisfaction of the commissioner.

6NYCRR 229 .3 (a)

This subdivision contains the control requirements for petroleum fixed roof tanks.

6NYCRR 229 .3 (a) (1)

This subdivision contains the control requirements for petroleum fixed roof tanks.

6NYCRR 229 .3 (d)

This rule contains the emission limits and operating requirements for gasoline loading terminals (i.e. those facilities with an average daily throughput of gasoline greater than 20,000 gallons).

6NYCRR 229 .3 (d) (1)

This regulation requires gasoline vapor collection and control systems subject to Part 229 to capture gasoline vapors during loading and unloading of gasoline transport vehicles, and condense, absorb, adsorb or combust the gasoline vapors so emissions do not exceed 0.67 pounds per 1,000 gallons of gasoline loaded or unloaded. The requirement allows equivalent control systems provided they are acceptable to the department. Test methods to determine the level of gasoline vapors which are acceptable to the commissioner must be used to determine compliance with this standard.

6NYCRR 229 .3 (e) (1)

This regulation requires fixed roof storage tanks subject to Part 229 to be equipped with an internal floating roof with a liquid-mounted primary seal and gasketed fittings, or equivalent control. Furthermore, replacement of other than liquid mounted seals is to be performed only when the tank is cleaned and gas-freed for other purposes.

6NYCRR 229 .3 (e) (2) (v)

This section requires the tank to be equipped with conservation vents for storage of volatile organic liquids.

6NYCRR 229 .4

This regulation requires the owners or operators of a vapor collection and control system to follow notification requirements, protocol requirements and test procedures of Part 202 of this Title for testing and monitoring to determine compliance with the emission limits and control requirements required of this Part. Depending upon conditions at a test site, one of the following test methods from Appendix A of 40 CFR part 60 (see table 1, section 200.9 of this Title) must be used to determine volatile organic compound (VOC) concentrations of a gas stream at the inlet and outlet of a control device: Method 18, Method 25, Method 25A, or other approved methods by the department's representative or by USEPA.

Any facility which is not subject to the control requirements of this Part because its annual potential to emit volatile organic compounds are below the applicability levels, must maintain records in a format acceptable to the commissioner's representative that verify the facility's annual potential to emit VOC. Upon request, these records must be submitted to the department.

6NYCRR 229 .5



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This section specifies the recordkeeping requirements for gasoline bulk plants, gasoline loading terminals, petroleum liquid storage tanks, volatile liquid storage tanks and marine vessel loading facilities subject to the requirements of 229.3.

6NYCRR 229 .5 (a)

This regulation requires that a record be of the capacities, in gallons, of petroleum liquid storage tanks subject to the control requirements for petroleum fixed roof and petroleum liquid external floating roof tanks under Part 229.3, be maintained at the facility for a period of 5 years.

6NYCRR 229 .5 (c)

This subdivision specifies that a record of the average daily gasoline throughput, in gallons per year be maintained for gasoline loading terminals subject to Part 229.

6NYCRR 229 .5 (d)

This section requires facilities subject to the requirements under Part 229.3, to maintain a record of the capacity of the volatile organic liquid storage tanks, in gallons, for a period of 5 years.

6NYCRR 230 .4 (e)

This regulation requires the owners or operators of a gasoline transport vehicles, during the loading or unloading of a gasoline transport vehicle, to limit the leakage of vapors from any component of the gasoline transport vehicle, or the vapor collection or control system, to below 100 percent of the lower explosive limit (LEL measured as propane), when measured at a distance of one inch with a combustible gas detector. No avoidable visible liquid leak from such components is allowed including all piping, seals, hoses, connections, pressure-vacuum seals, and other possible leak sources.

6NYCRR 230 .4 (g)

This regulation requires the owners or operators of a gasoline transport vehicles to close the dome covers on gasoline transport vehicles while the transport vehicle is being loaded, being unloaded or in motion, except when gasoline transport vehicles are hatch-loaded in conformance with subparagraphs 229.3(c)(3)(ii) or 229.3(d)(2)(i) of this Title.

6NYCRR 231-2

The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the ozone transport region and because there are ozone non-attainment areas within the state. In the New York City metropolitan area, carbon monoxide is also a non-attainment contaminant. In addition, particulate matter less than 10 microns in size (PM-10) is a non-attainment contaminant in Manhattan County.

**Compliance Certification**

Summary of monitoring activities at MOTIVA ENTERPRISES LLC:

<b>Location Facility/EU/EP/Process/ES</b>	<b>Type of Monitoring</b>	<b>Cond No.</b>
U-00VRU	intermittent emission testing	1-23

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**Basis for Monitoring**

**Condition # 24 - 6NYCRR Part 201-6.5(c)(3)(ii):** This is a facility-wide condition. This condition specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

**Condition # 1-3 - 6NYCRR Part 201-6.5(e):** This is a facility-wide condition. This condition specifies the overall permit requirements for compliance certification, including emission limitations, standards or work practices.

**Condition # 29 - 6NYCRR Part 202-2.1:** This is a facility-wide condition. This condition sets forth the applicability criteria for submitting an annual statement of emissions. The criteria is based on annual emission threshold quantities and ozone attainment designation. This condition is a requirements for all Title V facilities. These facilities must submit an annual emission statement by April 15th of each year for emissions of the previous calendar year.

**Condition # 1-5 for 6 NYCRR 225-1.8(b):** This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures. The owner or operator of a facility which purchases and fires coal or oil shall submit reports to the commissioner containing a fuel analysis, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1. All records shall be available for a minimum of three years.

**Condition # 2-4 for 6 NYCRR 225-3.3(a):** This is a facility-wide condition. This condition is for Work Practice Involving Specific Operations for the Reid Vapor Pressure. This condition prohibits the sale of any gasoline to a retailer or wholesale purchaser-consumer, which has a Reid vapor pressure (RVP) greater than 9.0 pounds per square inch (psi) as sampled and tested by methods acceptable to the commissioner, during the period May 1st through September 15th of each year beginning 1989.

Those records should identify who performed the test, when the fuel was delivered, when the test was performed, and the results of the test. The facility shall maintain records pursuant to 6 NYCRR 225-3 and must make the records available for inspection during normal business hours, at the location from which the gasoline was delivered, sold, or dispensed, to the commissioner's representative. The facility must also furnish copies of these records to the commissioner's representative upon request. All records and documentation required to be made or maintained in accordance with 6 NYCRR 225-3, including any calculations performed, shall be maintained for at least two years from the date of delivery.

Subpart 225-3 has been revised by NYSDEC to remove the gasoline oxygenate (oxyfuels) requirements. The RVP limits are still in place. The RVP limits are used as an ozone control measure. The oxygen limits have all been removed from the regulation, and were used as a carbon monoxide control measure in the Syracuse and NYC metropolitan areas. Both areas have attained the CO National Ambient Air Quality Standards, and EPA has determined that oxyfuels are no longer necessary for either area. In addition, the primary fuel additive used to increase oxygen content is methyl tertiary butyl ether (MTBE), a serious groundwater contaminant. New York State has banned the use of MTBE as a gasoline



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oxygenate additive beginning January 1, 2004 as per New York ECL 19-031(3)(b) due to environmental concerns over groundwater contamination. Motiva Enterprises LLC is replacing MTBE with denatured ethanol at this terminal, in order to meet this requirement.

The revision to subpart 225-3 became effective as of November 4, 2001.

**Condition # 1-6 for 6 NYCRR 225.1(a)(3):** This is a facility-wide condition. This condition is for Work Practice Involving Specific Operations for sulfur content. This condition limits the amount of sulfur that can be in fuel burned at a stationary source. It references Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. The sulfur limit is 0.20 percent by weight for distillates - number 1 and number 2 fuel oil for the New York City area. NOTE: This citation has been replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP).

The intent of 6 NYCRR 225.1(a)(3) is to prohibit within a certain region the combustion of fuels with sulfur contents exceeding certain levels. The Motiva Brooklyn Terminal is located within the New York City area which has sulfur content limit of 0.30 percent by weight for residual fuel and 0.20 percent by weight for distillates. However, Motiva markets and sells fuels outside of the New York City area. These areas have different fuel sulfur content standards specified in 6 NYCRR 225-1.2, Tables 1, 2 and 3. Thus, for reasons of commerce, Motiva will comply with a specified fuel sulfur limits as appropriate for the area where the product is being distributed.

**Condition # 1-7 for 6 NYCRR 225.1(a)(3):** This is a facility-wide condition. This condition is for Work Practice Involving Specific Operations for sulfur content. This condition limits the amount of sulfur that can be in fuel burned at a stationary source. It references Table 1 of the 1979 version of the sulfur in fuel limitations expressed in terms of percent by weight for fuel oil and pounds per million Btu gross heat content for solid fuel. The sulfur limit is 0.30 percent by weight for residual fuel oil - number 4, number 5 and/or number 6 for the New York City area. NOTE: This citation has been replaced by requirements cited under 225-1.2(a)(2) and is no longer part of current State regulations, however, it remains part of New York State's approved State Implementation Plan (SIP).

The intent of 6 NYCRR 225.1(a)(3) is to prohibit within a certain region the combustion of fuels with sulfur contents exceeding certain levels. The Motiva Brooklyn Terminal is located within the New York City area which has sulfur content limit of 0.30 percent by weight for residual fuel and 0.20 percent by weight for distillates. However, Motiva markets and sells fuels outside of the New York City area. These areas have different fuel sulfur content standards specified in 6 NYCRR 225-1.2, Tables 1, 2 and 3. Thus, for reasons of commerce, Motiva will comply with a specified fuel sulfur limits as appropriate for the area where the product is being distributed.

**Condition # 1-8 for 6 NYCRR 229.5:** This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures. This condition specifies the recordkeeping requirements for gasoline bulk plants, gasoline loading terminals, petroleum liquid storage tanks, volatile liquid storage tanks and marine vessel loading facilities subject to the requirements of 229.3.

The owner or operator of a gasoline bulk plant, gasoline loading terminal, petroleum liquid storage tank,

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marine loading vessel facility, or volatile organic liquid storage tank subject to this Part must maintain the following records at the facility for a period for five years; a) capacities of petroleum liquid storage tanks subject to section 229.3(a) or (b) of the Part, in gallons; (b) average daily gasoline throughput per day for gasoline bulk plants subject to section 229.3 (c) of this Part, in gallons; (c) average daily gasoline throughput for gasoline loading terminals subject to section 229.3(d) of this Part, in gallons per year; (d) capacities of volatile organic liquid storage tanks, subject to section 229.3(e) of this Part, in gallons; and (e) daily gasoline throughput for mare vessel loading facilities subject to section 229.3(f) of this Part, in gallons.

**Condition # 2-5 for 6 NYCRR 229.5(c):** This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures. This condition requires the owners or operators of a gasoline bulk plant, gasoline loading terminal, petroleum liquid storage tank, marine loading vessel facility, or volatile organic liquid storage tank, to maintain records of average daily gasoline throughput in gallons per year at the facility for a period of five years. The average daily throughput is calculating by dividing the annual throughput by the number of workdays during the 12-month period, which begins on January 1st and ends on December 31st. This facility is required to report its average daily gasoline throughput on a semi-annual (calendar) basis, with a gasoline throughput limit of 526,900,000 gallons/year.

**Condition # 2-7 for 6 NYCRR 211.3:** This is an emission unit condition applying to EU: U-00VRU. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for opacity. This condition requires that the opacity (i.e., the degree to which emissions other than water reduce the transmission of light) of the emissions from any air contamination source be less than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent.

**Condition # 1-22 for 6 NYCRR 225-1.8(c):** This is an emission unit condition applying to EU: U-00VRU. This condition is for Record Keeping /Maintenance Procedures for HAP. This condition requires the owner or operator of a source subject to 6 NYCRR Part 225-1 to maintain and retain monitoring records and make them available for inspectors during regular business hours. Data on the sulfur content, specific gravity and heating value of distillate oil will be maintained at the terminal for three (3) years.

**Condition # 1-23 for 40 CFR 60, NSPS Subpart XX:** This is an emission unit condition applying to EU: U-00VRU. This condition is for Intermittent Emission Testing for VOC on the VRU. This condition applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This condition requires the facility to conduct a stack test for the John Zink adsorption/absorption vapor recovery unit to show that the VRU is operating below the 35 milligram per liter limit as per 40CFR 60 Subpart XX.

**Condition # 78 for 40 CFR 60.502(b), NSPS Subpart XX:** This is an emission unit condition applying to EU: U-00VRU. This condition is for Intermittent Emission Testing for VOC on the VRU. This condition applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This condition limits the emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks to 35 milligrams of total organic compounds per liter of gasoline loaded. An initial performance test is required to demonstrate compliance with the emission limit for the vapor processing system.

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**Condition # 1-24 for 40 CFR 63.420(a)(2), Subpart R:** This is an emission unit condition applying to Emission Unit U-00VRU. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for HAP. This subdivision of the Gasoline Distribution MACT exempts non-major sources of hazardous air pollutants from the regulation. The affected source to which the provisions of this subpart apply is each bulk terminal except those bulk gasoline terminals 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 Part 63.2 of Subpart A of this part. Monitoring of gasoline throughput on a 12 month rolling average will be used to cap out of the requirements of 40 CFR 63.420 - Gasoline Distribution Facilities. The facility is limiting the annual gasoline throughput to 526,900,000 gallons per year and total ethanol plus gasoline throughput to 541,000,000 gallons per year, both at 7 mg/L limit (6 hour rolling average) of VOC emissions on the VRU.

**Condition # 2-8 for 6 NYCRR 229.3(d)(1):** This is an emission unit level condition applying to Emission Unit U-00VRU. This condition is for Recordkeeping/Maintenance Procedures for VOC. This condition prohibits the owners or operators of a gasoline loading terminal to load gasoline into a gasoline transport vehicle from any gasoline loading terminal unless the gasoline loading terminal is equipped with gasoline vapor collection and vapor control systems which are operating and in good working order and that satisfy the following requirements:

For capping out of 40 CFR 63 Subpart R (Gasoline Distribution Facilities - MACT), Motiva Enterprises LLC has chosen a gasoline vapor collection and control systems that must capture gasoline vapors during loading and unloading of gasoline transport vehicles and must condense, absorb, adsorb or combust gasoline vapors so emissions do not exceed 7 mg per liter, which is about ten times stricter than the 0.67 pounds per 1,000 gallons emission standard that is in the 6 NYCRR 229.3(d)(1). The Reference Test Method will be the test method in the approved facility's continuous compliance monitoring plan instead of Method 25A or 25B.

According to 6 NYCRR 229.3(d)(1), the regulatory emission limit of gasoline vapors (VOC) is 0.67 pounds per 1,000 gallons of gasoline loaded or unloaded (which is equivalent to 80 mg/liter). This regulation has been superseded by a new, more stringent emission limit of 7 mg/liter.

The facility has performed an initial performance test on April 25, 2002 on the vapor recovery unit, to determine compliance with the 7 mg/liter emission limitation for VOC. The result of the performance test was 0.25 mg of VOC per liter.

**Condition # 1-25 for 6 NYCRR 230.4(e):** This is an emission unit and process level condition applying to Emission Unit U-00VRU and Process VRU. This condition is for Record Keeping/Maintenance Procedures. This condition requires the owners or operators of a gasoline transport vehicles subject to this Part, during the loading or unloading of a gasoline transport vehicle, to limit the leakage of vapors from any component of the gasoline transport vehicle, or the vapor collection or control system, to below 100 percent of the lower explosive limit (LEL measured as propane), when measured at a distance of one inch with a combustible gas detector. No avoidable visible liquid leak from such components is allowed. Components of the transport vehicle or vapor collection or control system includes all piping, seals, hoses, connections, pressure vacuum seals, and other possible leak sources. The combustible gas detector used for determining compliance with this standard will have a minimum



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range of 0-100 percent of the LEL as propane, a probe with an external diameter of one quarter inch (0.623 cm), and a response time less than 30 seconds with sampling line and probe attached, and the property calibrated.

Motiva will conduct a monthly sight, sound and smell inspection for vapor tightness test certificate. During loading and unloading, Motiva will monitor each gasoline transport vehicle (tank truck) for valid vapor tightness test certificate.

**Condition # 1-26 for 6 NYCRR 230.4(g):** This is an emission unit and process level condition applying to Emission Unit U-00VRU and Process VRU. This condition is for Record Keeping/Maintenance Procedures. This condition requires the owners or operators of a gasoline transport vehicles subject to this Part to close the dome covers on gasoline transport vehicles while the transport vehicle is being loaded, being unloaded or in motion, except when gasoline transport vehicles are hatch-loaded in conformance with subparagraphs 229.3(c)(3)(ii) or 229.3(d)(2)(i) of this Title.

Motiva will conduct a monthly sight, sound and smell inspection for vapor tightness test certificate. During loading and unloading, Motiva will monitor each gasoline transport vehicle (tank truck) for valid vapor tightness test certificate.

**Condition # 1-27 for 40 CFR 60.502(e), NSPS Subpart XX:** This is an emission unit and process level condition applying to EU: U-00VRU and Process VRU. This condition is for Record Keeping/Maintenance Procedures. This condition applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This condition requires the owners or operators of facilities that load liquid product into gasoline tank trucks to test the vapor-tight gasoline tank trucks using the following a 5-step procedure:

1. Obtain the vapor tightness documentation described in paragraph 60.505(b) of 40 CFR 60.500 Subpart XX for each gasoline tank truck which is to be loaded at the facility.
2. Record the tank identification number as each gasoline tank truck is loaded at the facility.
3. Cross-check each tank identification number recorded per item #2 above with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded.
4. Notify the owner or operator of each nonvapor-tight gasoline tank truck loaded at the facility within three weeks after the loading has occurred.(or one week after the documentation cross-check in item #3).
5. Take steps assuring that the nonvapor-tight gasoline tank truck will not be reloaded at the facility until vapor tightness documentation for that tank is obtained.

The documentation of all notifications required for testing the vapor tightness of the gasoline tank truck under item #4 will be kept on file at the terminal for at least five years.

**Condition # 1-28 for 40 CFR 60.502(j), NSPS Subpart XX:** This is an emission unit and process level condition applying to Emission Unit U-00VRU and Process VRU. This condition is for Record Keeping/Maintenance Procedures for VOC. This condition applies to facilities of gasoline terminal

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loading racks over 20,000 gallons per day - standards for VOC. This condition requires facilities that load liquid product into gasoline tank trucks to inspect the vapor collection system, the vapor processing system and each loading rack handling gasoline during the loading of gasoline tank trucks for total organic compound liquid and vapor leaks monthly. Detection methods incorporating sight, sound, or smell are acceptable. Leaks detected must be recorded and repaired within 15 calendar days after it is detected. Monthly terminal leak inspection records must be retained at the terminal for at least five years. Inspection methods incorporating sight, sound or smell are acceptable. Inspection records shall include: inspection date(s), findings (may indicate no leaks discovered; or location, nature, and severity of each leak), leak determination method, corrective action (date each leak repaired; reasons for any repair interval in excess of 15 days) and inspector name and signature.

**Condition # 1-29 for 40 CFR 60.505(b), NSPS Subpart XX:** This is an emission unit and Process level condition applying to Emission Unit U-00VRU and Process VRU. This condition is for Record Keeping/Maintenance Procedures. This condition applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This condition requires facilities that load liquid product into gasoline tank trucks to keep all tank truck vapor tightness documentation required under this section on file at the terminal in a permanent form available for inspection. Tank truck testing records must be updated annually to reflect current test results as determined by EPA Method 27. At a minimum, this documentation shall include: test title (gasoline delivery tank pressure test - EPA Reference Method 27), name and address of the tank owner, truck identification number, testing location, test date, name and signature of the tester, average (of two runs) of actual pressure change observed during the five minute test periods and witnessing inspector's (if any) name, signature and affiliation.

**Condition # 1-30 for 40 CFR 60.505(c), NSPS Subpart XX:** This is an emission unit and process level condition applying to Emission Unit U-00VRU and Process VRU. This condition is for Record Keeping/Maintenance Procedures. This condition applies to facilities of gasoline terminal loading racks over 20,000 gallons per day - standards for VOC. This condition requires facilities that load liquid product into gasoline tank trucks to keep monthly terminal leak inspection records at the terminal for at least five years. At a minimum, these inspection records shall include: inspection date, leak location, leak nature, leak severity, leak detection method, date of leak repair, reason for repair delay if interval exceeds 15 days, and the name and signature of the inspector.

**Condition # 1-34 for 6 NYCRR 229.3(d):** This is an emission unit, emission point and process level condition applying to Emission Unit U-00VRU, Emission Point 00VRU and Process VRU. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for VOC on the VRU. This condition contains the emission limits and operating requirements for gasoline loading terminals (i.e. those facilities with an average daily throughput of gasoline greater than 20,000 gallons). This condition prohibits the owners or operators of gasoline loading terminals from loading gasoline into a gasoline transport vehicle from any gasoline loading terminal unless the gasoline loading terminal is equipped with gasoline vapor collection and vapor control systems which are operating and in good working order and that satisfy the following requirements:

(1) For capping out of 40 CFR 63 Subpart R (Gasoline Distribution Facilities - MACT), Motiva Enterprises LLC has chosen a gasoline vapor collection and control systems that must capture gasoline vapors during loading and unloading of gasoline transport vehicles and must condense, absorb, adsorb or combust gasoline vapors so emissions do not exceed 7 mg per liter, which is about ten times stricter than

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the 0.67 pounds per 1,000 gallons emission standard that is in the 6 NYCRR 229.3(d)(1). The Reference Test Method will be the test method in the approved facility's continuous compliance monitoring plan instead of Method 25A or 25B.

(2) A vapor collection system required at a gasoline loading terminal consists of:

(i) hatch-loading systems must include a loading arm with a vapor collection system adapter, a vapor-tight seal between the adapter and hatch, and a method of preventing drainage of liquid gasoline from the loading arm when it is removed from the hatch or for complete drainage of the loading arm before such removal;

(ii) bottom-loading systems must include a connecting pipe or hose equipped with vapor-tight fittings that will automatically and immediately close upon disconnection to prevent the release of gasoline vapors;

(iii) a connecting device between the gasoline transport vehicle and the dispensing equipment that interrupts the flow of gasoline to prevent overfilling and spillage; and

(iv) a system that prevents the flow of gasoline into gasoline transport vehicles unless the fuel product line and vapor collection system are both connected so as to prevent liquid product leaks or vapor loss.

The VRU must be maintained "in good working order" which is defined as "capturing the gasoline vapors during loading of gasoline transport vehicles, and must condense, absorb, adsorb or combust the gasoline vapors so the emissions do not exceed 7 mg/liter of gasoline loaded." In addition, the VRU must be inspected monthly for proper maintenance to ensure compliance with this rule and condition. 40 CFR 63 Subpart R is not applicable to the Motiva terminal as long as the facility demonstrates that this regulation is not applicable by operating under a 541 million gallons of gasoline annual throughput limit and a 7 mg/L

limit (6 hour rolling average) on the VRU as stated in 40 CFR 420(a)(2) Subpart R. The facility is limiting the annual gasoline throughput to 526,900,000 gallons per year and total ethanol plus gasoline throughput to 541,000,000 gallons per year, both at 7 mg/L limit (6 hour rolling average) of VOC emissions on the VRU. The monitoring of the VOC emission limit on the VRU is not to exceed 7 mg/L. Motiva will monitor the 7 mg/L limit through the use of a continuous emission monitoring system (CEMS) on the VRU as described in the continuous emissions plan as required by Condition 20 (condition for 6NYCRR 231-2). The Reference Test Method will be the test method in the approved facility's continuous compliance monitoring plan.

**Condition # 96 for 6 NYCRR 229.4:** This is an emission unit, emission point and process level condition applying to Emission Unit U-00VRU, Emission Point 00VRU and Process VRU. This condition is for Record Keeping/Maintenance Procedures for VOC on the VRU. This condition requires the owners or operators of a vapor collection and control system to follow notification requirements, protocol requirements and test procedures of Part 202 of this Title for testing and monitoring to determine compliance with the emission limits and control requirements required of this Part. Depending upon conditions at a test site, one of the following test methods from Appendix A of 40 CFR part 60 (see table 1, section 200.9 of this Title) must be used to determine volatile organic compound (VOC) concentrations of a gas stream at the inlet and outlet of a control device: Method 18, Method 25, Method 25A, 25B or other approved methods by the department's representative or by USEPA. These records

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must be submitted annually to the department.

Any facility which is not subject to the control requirements of this Part because its annual potential to emit volatile organic compounds are below the applicability levels, must maintain records in a format acceptable to the commissioner's representative that verify the facility's annual potential to emit VOC. Upon request, these records must be submitted to the department.

**Condition # 1-35 for 6 NYCRR 229.5(d):** This is an emission unit level condition applying to Emission Unit U-ADTNK. This condition is for Record Keeping/Maintenance Procedures for VOC. This condition requires applicable facilities to maintain fuel storage records for a period of 5 years. This condition requires the owner or operator of a volatile organic liquid storage tanks that are subject to 6 NYCRR Part 229 to maintain a record of the capacity (in gallons) of the volatile organic liquid storage tanks at the facility.

**Condition # 1-36 for 6 NYCRR 229.3(e)(2)(v):** This is an emission unit and process level condition applying to Emission Unit U-ADTNK and Process ADT. This condition is for Record Keeping/Maintenance Procedures. This condition requires the volatile organic liquids storage tank(s) with a capacity of less than 10,000 gallons, to be equipped with conservation vents. This facility has nine additive tanks (7, 8, 9, 10, 51, 52, 54, 55 and 56) that have capacities of less than 10,000 gallons and are used for storing volatile organic liquids and are equipped with a conservation vent. The conservation vent is the control requirements for petroleum or volatile organic liquid (VOL) fixed roof tanks. The conservation vent is where the vapor is collected and controlled from escaping or being emitted to the atmosphere. The conservation vent should not allow any vapor to escape to the atmosphere. It should be equipped with vapor-tight fittings to prevent the release of vapors. It must be equipped with vapor-tight fittings to prevent the release of vapors. It must be maintained and operated in such a way as to ensure the integrity and efficiency of the conservation vent. The permittee shall visually inspect the conservation vent on a quarterly basis to insure operation. Inspection records must be maintained on site for a period of five years. Records shall contain the date(s) of all inspections, inspection findings and a listing of all equipment repairs or replacements.

**Condition # 2-9 for 6 NYCRR 229.3(a):** This is an emission unit level condition applying to Emission Unit U-GTANK. This condition is for Record Keeping/Maintenance Procedures for VOC. This is a visual condition for VOC. This condition contains the control requirements for petroleum fixed roof tanks. For petroleum fixed roof tanks, no person may store petroleum liquid in a fixed roof tank subject to this Part unless:

1. the tank has been retrofitted with an internal floating roof or equivalent control; and
2. the vapor collection and vapor control systems are maintained and operated in such a way as to ensure the integrity and efficiency of the system.

The permittee must visually inspect the vapor collection and control systems per [40 CFR 60.113b(a)(1-4)] every calendar quarter to ensure compliance with the above.

The permittee must visually inspect the floating roof and secondary seals from the tank roof hatch on an annual basis. The permittee must perform a complete inspection of the floating roof and primary and

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secondary seals with the storage tank empty, every ten (10) years per [40 CFR 60.113b(a)(1-4)].

Records of all inspections must be maintained on site for a period of five years. Inspection records shall contain the date(s) of all inspections, inspection findings and a listing of all equipment repairs or replacements.

**Condition # 1-38 for 6 NYCRR 229.5(a):** This is an emission unit level condition applying to Emission Unit U-GTANK. This condition is for Record Keeping/Maintenance Procedures for VOC. This condition requires the owner or operator of a gasoline bulk plant, gasoline loading terminal, petroleum liquid storage tank, marine loading vessel facility, or volatile organic liquid storage tank, to maintain records of capacities of petroleum liquid storage tanks subject to section 229.3(a) - petroleum fixed roof tanks or section 229.3(b) - petroleum liquid external floating roof tanks of this Part, in gallons on a monthly basis at the facility for a period of five years.

**Condition # 1-39 for 6 NYCRR 229.3(a)(1):** This is an emission unit level, emission point level, process level and emission source level condition applying to Emission Unit U-GTANK, EP: 0000V, Proc: GDT and ES: 0000V for VOC for Tank # 41. This is a Record Keeping/Maintenance Procedures for VOC. This condition contains the control requirements for petroleum fixed roof tanks. No person may store petroleum liquid in a fixed roof tank unless the tank has been retrofitted with an internal floating roof or equivalent control.

Storage Tanks # 41, # 42, # 45 and # 46 are fixed roof tanks with internal floating roofs. Storage Tanks # 41, # 42, # 45 and possibly # 46 will be used for denatured ethanol storage.

Storage Tank # 41 has an internal floating roof. Tank # 41 will be used to store denatured ethanol.

**Condition # 2-10 for 6 NYCRR 229.3(e)(1):** This is an emission unit level, emission point level, process level and emission source level condition that applies to Emission Unit U-GTANK, EP: 0000V, Proc: GDT and ES: 0000V for VOC for Tank # 41. This condition is for Record Keeping/Maintenance Procedures for VOC. Storage Tanks 41, 42, 45 and possibly Tank 46 will be used for denatured ethanol storage.

This condition requires fixed roof storage tanks subject to Part 229 to be equipped with an internal floating roof with a liquid-mounted primary seal and gasketed fittings, or equivalent control. Furthermore, replacement of other than liquid mounted seals is to be performed only when the tank is cleaned and gas-freed for other purposes.

Storage Tanks # 41, # 42, # 45 and # 46 will have the flexibility of being used for either denatured ethanol storage or gasoline/petroleum distillates storage. Tanks # 41, # 42, # 45 and # 46 may also be used for denatured ethanol storage.

TANK # 41 (Emission point 0000V & Emission Source 0000V) will have the flexibility of being used for either denatured ethanol storage or gasoline/petroleum distillates storage.

For TANK # 41, whenever activities pertaining to the replacement of any liquid-mounted primary seal and gasketed fittings or equivalent control are performed, a record detailing those activities pertaining to

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6 NYCRR 229.3(e)(1) will be generated and kept for five years.

The permittee must visually inspect the floating roof and secondary seals from the tank roof hatch on an annual basis. The permittee must perform a complete inspection of the floating roof and primary and secondary seals with the storage tank empty, every ten (10) years per [40 CFR 60.113b(a)(1-4)].

Records of all inspections must be maintained on site for a period of five years. Inspection records shall contain the date(s) of all inspections, inspection findings and a listing of all equipment repairs or replacements.

**Condition # 1-41 for 6 NYCRR 229.3(a)(1):** This is an emission unit level, emission point level, process level and emission source level condition that applies to Emission Unit U-GTANK, EP: 000II, Proc: GDT and ES: 000II for VOC for Tank # 42. This condition is for Record Keeping/Maintenance Procedures for VOC. This condition contains the control requirements for petroleum fixed roof tanks. No person may store petroleum liquid in a fixed roof tank unless the tank has been retrofitted with an internal floating roof or equivalent control.

Storage Tanks # 41, # 42, # 45 and # 46 are fixed roof tanks with internal floating roofs. Storage Tanks # 41, # 42, # 45 and possibly # 46 will be used for denatured ethanol storage.

Storage Tank # 42 has an internal floating roof. Tank # 42 will be used to store denatured ethanol.

**Condition # 2-11 for 6 NYCRR 229.3(e)(1):** This is an emission unit level, emission point level, process level and emission source level condition that applies to Emission Unit U-GTANK, EP: 000II, Proc: GDT and ES: 000II for VOC for Tank # 42. This condition is for Record Keeping/Maintenance Procedures for VOC. Storage Tanks 41, 42, 45 and possibly Tank 46 will be used for denatured ethanol storage.

This condition requires fixed roof storage tanks subject to Part 229 to be equipped with an internal floating roof with a liquid-mounted primary seal and gasketed fittings, or equivalent control. Furthermore, replacement of other than liquid mounted seals is to be performed only when the tank is cleaned and gas-freed for other purposes.

Storage Tanks # 41, # 42, # 45 and # 46 will have the flexibility of being used for either denatured ethanol storage or gasoline/petroleum distillates storage. Tanks # 41, # 42, # 45 and # 46 may also be used for denatured ethanol storage.

TANK # 42 (Emission point 000II & Emission Source 000II) will have the flexibility of being used for either denatured ethanol storage or gasoline/petroleum distillates storage.

For TANK # 42, whenever activities pertaining to the replacement of any liquid-mounted primary seal and gasketed fittings or equivalent control are performed, a record detailing those activities pertaining to 6 NYCRR 229.3(e)(1) will be generated and kept for five years.

The permittee must visually inspect the floating roof and secondary seals from the tank roof hatch on an annual basis. The permittee must perform a complete inspection of the floating roof and primary and

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secondary seals with the storage tank empty, every ten (10) years per [40 CFR 60.113b(a)(1-4)].

Records of all inspections must be maintained on site for a period of five years. Inspection records shall contain the date(s) of all inspections, inspection findings and a listing of all equipment repairs or replacements.

**Condition # 1-43 for 6 NYCRR 229.3(a)(1):** This is an emission unit level, emission point level, process level and emission source level condition that applies to Emission Unit U-GTANK, EP: 00III, Proc: GDT and ES: 00III for VOC for Tank # 45. This condition is for Record Keeping/Maintenance Procedures for VOC. This condition contains the control requirements for petroleum fixed roof tanks. No person may store petroleum liquid in a fixed roof tank unless the tank has been retrofitted with an internal floating roof or equivalent control.

Storage Tanks # 41, # 42, # 45 and # 46 are fixed roof tanks with internal floating roofs. Storage Tanks # 41, # 42, # 45 and possibly # 46 will be used for denatured ethanol storage.

Storage Tank # 45 has an internal floating roof. Tank # 45 will be used to store denatured ethanol.

**Condition # 2-12 for 6 NYCRR 229.3(e)(1):** This is an emission unit level, emission point level, process level and emission source level condition that applies to Emission Unit U-GTANK, EP: 00III, Proc: GDT and ES: 00III for VOC for Tank # 45. This condition is for Record Keeping/Maintenance Procedures for VOC. Storage Tanks 41, 42, 45 and possibly Tank 46 will be used for denatured ethanol storage.

This condition requires fixed roof storage tanks subject to Part 229 to be equipped with an internal floating roof with a liquid-mounted primary seal and gasketed fittings, or equivalent control. Furthermore, replacement of other than liquid mounted seals is to be performed only when the tank is cleaned and gas-freed for other purposes.

Storage Tanks # 41, # 42, # 45 and # 46 will have the flexibility of being used for either denatured ethanol storage or gasoline/petroleum distillates storage. Tanks # 41, # 42, # 45 and # 46 may also be used for denatured ethanol storage.

TANK # 45 (Emission point 00III & Emission Source 00III) will have the flexibility of being used for either denatured ethanol storage or gasoline/petroleum distillates storage.

For TANK # 45, whenever activities pertaining to the replacement of any liquid-mounted primary seal and gasketed fittings or equivalent control are performed, a record detailing those activities pertaining to 6 NYCRR 229.3(e)(1) will be generated and kept for five years.

The permittee must visually inspect the floating roof and secondary seals from the tank roof hatch on an annual basis. The permittee must perform a complete inspection of the floating roof and primary and secondary seals with the storage tank empty, every ten (10) years per [40 CFR 60.113b(a)(1-4)].

Records of all inspections must be maintained on site for a period of five years. Inspection records shall contain the date(s) of all inspections, inspection findings and a listing of all equipment repairs or

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replacements.

**Condition # 1-45 for 6 NYCRR 229.3(a)(1):** This is an emission unit level, emission point level, process level and emission source level condition that applies to Emission Unit U-GTANK, EP: 00VII, Proc: GDT and ES: 00VII for VOC for Tank # 46. This condition is for Record Keeping/Maintenance Procedures for VOC. This condition contains the control requirements for petroleum fixed roof tanks. No person may store petroleum liquid in a fixed roof tank unless the tank has been retrofitted with an internal floating roof or equivalent control.

Storage Tanks # 41, # 42, # 45 and # 46 are fixed roof tanks with internal floating roofs. Storage Tanks # 41, # 42, # 45 and possibly # 46 will be used for denatured ethanol storage.

Storage Tank # 46 has an internal floating roof. Tank # 46 may be used to store denatured ethanol.

**Condition # 2-13 for 6 NYCRR 229.3(e)(1):** This is an emission unit level, emission point level, process level and emission source level condition that applies to Emission Unit U-GTANK, EP: 00VII, Proc: GDT and ES: 00VII for VOC for Tank # 45. This condition is for Record Keeping/Maintenance Procedures for VOC. Storage Tanks 41, 42, 45 and possibly Tank 46 will be used for denatured ethanol storage.

This condition requires fixed roof storage tanks subject to Part 229 to be equipped with an internal floating roof with a liquid-mounted primary seal and gasketed fittings, or equivalent control. Furthermore, replacement of other than liquid mounted seals is to be performed only when the tank is cleaned and gas-freed for other purposes.

Storage Tanks # 41, # 42, # 45 and # 46 will have the flexibility of being used for either denatured ethanol storage or gasoline/petroleum distillates storage. Tanks # 41, # 42, # 45 and # 46 may also be used for denatured ethanol storage.

TANK # 46 (Emission point 00VII & Emission Source 00VII) will have the flexibility of being used for either denatured ethanol storage or gasoline/petroleum distillates storage.

For TANK # 46, whenever activities pertaining to the replacement of any liquid-mounted primary seal and gasketed fittings or equivalent control are performed, a record detailing those activities pertaining to 6 NYCRR 229.3(e)(1) will be generated and kept for five years.

The permittee must visually inspect the floating roof and secondary seals from the tank roof hatch on an annual basis. The permittee must perform a complete inspection of the floating roof and primary and secondary seals with the storage tank empty, every ten (10) years per [40 CFR 60.113b(a)(1-4)].

Records of all inspections must be maintained on site for a period of five years. Inspection records shall contain the date(s) of all inspections, inspection findings and a listing of all equipment repairs or replacements.

**Condition # 2-15 for 6 NYCRR 201-7, Capping out of 6 NYCRR 231-2:** This condition is for Work Practice Involving Specific Operations for VOC. This is a facility-wide condition. Motiva is limiting the

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annual gasoline throughput to 541 million gallons. The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the ozone transport region and because there are ozone non-attainment areas within the state. The facility is limiting the annual gasoline throughput to 526,900,000 gallons per year and total ethanol plus gasoline throughput to 541,000,000 gallons per year, both at 7 mg/L limit (6 hour rolling average) of VOC emissions on the VRU.

The facility shall monitor the total throughput of gasoline from this facility. Motiva will use existing petroleum industry practices such as tank gauging and loading rack meters to monitor shipments of gasoline in and out of the facility in order to demonstrate compliance with the throughput limitation. Motiva shall comply with the monthly monitoring frequency for monitoring throughput and the reports be submitted to the Department quarterly. Motiva is taking a cap of 541 million gallons (annual maximum rolled monthly) on the vapor recovery unit (VRU) gasoline throughput, which means that the facility cannot exceed the 541 million gallons cap for any consecutive twelve (12) months period.

The Motiva terminal is also capping out of 40 CFR 63 Subpart R (Gasoline Distribution Facilities - MACT) by operating under a 541 million gallons of gasoline annual throughput limit and a 7 mg/liter limit (6 hour rolling average) on the VRU as stated in 40 CFR 420(a)(2) Subpart R, Gasoline Distribution Facility NESHAP. Motiva will monitor the 7 mg/L limit through the use of a continuous emission monitoring system (CEMS).

As a result of the proposed VRU modifications, the potential VRU emissions (at the loading rack, Emission Unit U-00VRU) will be 15.8 tpy and the potential facility emissions will be 56.83 tpy (113,660 lbs/yr). From the New Source Review Netting Analysis, the Net Emissions Increase (NEI) for the facility will be 24.7 tpy (which is below the 25.0 tpy significance level for severe ozone non-attainment areas for VOCs and therefore, New Source Review in Non-attainment Areas and Ozone Transport Region is not applicable to this facility).

The data supporting the numbers in this condition can be found in the table attachment titled "Motiva's Summary of Potential Emissions" following page 100 of this permit.

**Condition # 2-16 for 6 NYCRR 201-7, Capping out of 40 CFR 63-R.420(d):** This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures for HAP. A facility for which the results, Et (emissions screening factor for bulk gasoline terminals) or Ep (emissions screening factor for pipeline breakout stations) 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 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.

A facility can also remain below the applicability criteria of the Gasoline Distribution MACT (40 CFR 63 subpart R) by limiting its annual gasoline throughput per year on a twelve month rolling average basis to a level as to maintain an "area source" status for 40 CFR 63 subpart R. This will ensure that the emissions screening factor for bulk gasoline to be less than 1.0. By limiting the annual gasoline throughput, the facility will be below 25 tons per year for total HAPs and below 10 tons per year for each individual HAP. Records of annual gasoline throughput and HAP emissions will be maintained at the

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facility for a period of five years.

Motiva is not required to show calculations or results for Er, emission screening factor for gasoline terminals to be less than 0.5 in order to cap out of the Gasoline Distribution Facilities - MACT, 40 CFR 63 Subpart R. Motiva is capping out of the Gasoline Distribution Facilities - MACT, 40 CFR 63 Subpart R by limiting any annual individual HAP (Benzene, Hexane, Methyl Tertbutyl Ether, Toluene and Xylene) emission to under 10 tons per year and the total HAPs to under 25 tons per year. This is achieved by limiting the gasoline annual throughput to 541,000,000 gallons and a 7 mg/liter limit (6 hour rolling average) on the VRU and hence avoiding compliance with the Gasoline Distribution Facilities - MACT.

The facility will maintain records and provide reports in accordance with the provisions of the facility's continuous compliance monitoring plan via CEMS (continuous emission monitoring system) for capping out of 6 NYCRR 231-2 as described in the continuous emission plan as required by Condition 47 in Mod 0 permit, Conditions 1-10 & 1-11 in Mod 1 permit, and Conditions # 2-22 & 2-25 in Mod 2 permit.

Here are the calculations linking the 7 mg/liter with compliance with the VOC potential to emit limit:

$$\begin{aligned} \text{VOC PTE} &= 541,000,000 \text{ gal/year} \times 7 \text{ mg/liter} \times 3.785 \text{ liter/gal} \times \\ &\times (1 \text{ kg}/1,000,000 \text{ mg}) \times 2.2046 \text{ lbs/kg} \times (1 \text{ ton}/2000 \text{ lbs}) = \\ &= 15.8 \text{ tons/year VOC} \end{aligned}$$

The facility will submit an annual emission statement to the Department to show compliance with this condition and other conditions in this permit.

The potential VRU emissions (at the loading rack, Emission Unit U-00VRU) is 15.8 tpy and the potential facility emissions is 56.83 tpy (113,660 lbs/yr), based on 7 mg/liter VRU concentration.

The facility has performed an initial performance test on April 25, 2002, that was within 180 days following the completion of the modification to the vapor recover unit, to determine compliance with the 7 milligrams per liter emission limitation for VOC. The result of the performance test was 0.25 milligrams of VOC per liter, that is 28 times less than the permitted 7 mg/L.

Since the VOC PTE at the VRU is 15.8 tons/yr, therefore the Total HAPs cannot exceed the VOC PTE of 15.8 TPY, which is < 25 TPY, and hence each of the individual HAPs is < 10.

By limiting the gasoline annual throughput, the facility is also limiting any annual individual HAP emission to under 10 tons per year and the total HAPs emission to under 25 tons per year. Hence, this facility is limiting the Toluene, Methyl Tertbutyl Ether, Xylene, M, O & P MIXT, Benzene, and Hexane emissions to under 10 tons per year.

Based on this and the annual emission statement submitted to the Department, the Total HAPs are well below the 25 TPY threshold (approximately 2.1 TPY), and the individual HAPs are all well below 10 TPY (all < 1 TPY). Therefore, the facility demonstrates compliance with the 10/25 TPY HAPs threshold.

**Condition # 2-17 for 6 NYCRR 201-7, Capping out of 6 NYCRR 231-2:** This is a facility-wide condition. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for

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VOC. Motiva is limiting the VOC emission from the VRU to 7 mg/liter. The 7 milligram per liter VOC emissions limitation shall replace all other existing VOC emission limitation conditions for the VRU, in this permit. The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the ozone transport region and because there are ozone non-attainment areas within the state. The facility is limiting the annual gasoline throughput to 526,900,000 gallons per year and total ethanol plus gasoline throughput to 541,000,000 gallons per year, both at 7 mg/L limit (6 hour rolling average) of VOC emissions on the VRU.

The facility will provide reports in accordance with the provisions of the facility's continuous compliance monitoring plan via CEMS (continuous emission monitoring system) for capping out of 6 NYCRR 231-2 as described in the continuous emission plan as required by this condition.

The provisions of 40 CFR 63 Subpart R (Gasoline Distribution Facilities - MACT) are not applicable to the Motiva terminal as long as the facility demonstrates that this regulation is not applicable by operating under a 541 million gallons of gasoline annual throughput limit and a 7 mg/L limit (6 hour rolling average) on the VRU as stated in 40 CFR 420(a)(2) Subpart R. Motiva will monitor the 7 mg/L limit through the use of a continuous emission monitoring system (CEMS). The facility shall maintain records (as required by permit conditions) showing that they are below the applicability threshold for 40 CFR 63 Subpart R.

As a result of the proposed VRU modifications, the potential VRU emissions (at the Loading Rack) will be 15.8 tpy and the potential facility emissions will be 56.83 tpy (113,660 lbs/yr). As was mentioned above, the facility is limiting the annual gasoline throughput to 541 million gallons at 7 mg/L limit (6 hour rolling average) of VOC emissions on the VRU. From the New Source Review Netting Analysis, the Net Emissions Increase (NEI) for the facility will be 24.7 tpy (which is below the 25.0 tpy significance level for severe ozone non-attainment areas for VOCs and therefore, NSR is not applicable to this facility).

The data supporting the numbers in this condition can be found in the table attachment titled "Motiva's Summary of Potential Emissions" following page 100 of this permit.

**Condition # 2-18 for 6 NYCRR 201-7, Capping out of 40 CFR 63-R.420(a):** This is a facility-wide condition. This condition is for Working Practice Involving Specific operations for HAP. The total HAPs annual limit is 25 tons per year and each individual HAP's annual limit is 10 tons per year. A facility can remain below the applicability criteria of the Gasoline Distribution MACT (40 CFR 63 subpart R) by limiting its annual gasoline throughput per year on a twelve month rolling average basis to a level as to maintain an "area source" status for 40 CFR 63 subpart R. This will ensure that the emissions screening factor for bulk gasoline to be less than 1.0. By limiting the annual gasoline throughput, the facility will be below 25 tons per year for total HAPs and below 10 tons per year for each individual HAP. Records of annual gasoline throughput and HAP emissions will be maintained at the facility for a period of five years.

This facility is limiting the gasoline annual throughput to 526,900,000 gallons and hence avoiding compliance with 40CFR 63R. By limiting the gasoline annual throughput, the facility is also limiting any annual individual HAP emission to under 10 tons per year and the total HAPs emission to under 25 tons

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per year.

Based on this and the annual emission statement submitted to the Department, the Total HAPs are well below the 25 TPY threshold (approximately 2.1 TPY), and the individual HAPs are all well below 10 TPY (all < 1 TPY). Therefore, the facility demonstrates compliance with the 10/25 TPY HAPs threshold.

The data supporting the numbers in this condition can be found in the table attachment titled "Motiva's Summary of Potential Emissions" following page 100 of this permit.

**Condition # 2-19 for 6 NYCRR 201-7, Capping out of 40 CFR 63-R.420(a):** This is a facility-wide condition. This condition is for Working Practice Involving Specific operations for Methyl Tertbutyl Ether. The total HAPs annual limit is 25 tons per year and each individual HAP's annual limit such as Methyl Tertbutyl Ether is 10 tons per year. A facility can remain below the applicability criteria of the Gasoline Distribution MACT (40 CFR 63 subpart R) by limiting its annual gasoline throughput per year on a twelve month rolling average basis to a level as to maintain an "area source" status for 40 CFR 63 subpart R. This will ensure that the emissions screening factor for bulk gasoline to be less than 1.0. By limiting the annual gasoline throughput, the facility will be below 25 tons per year for total HAPs and below 10 tons per year for each individual HAP. Records of annual gasoline throughput and HAP emissions will be maintained at the facility for a period of five years.

This facility is limiting the gasoline annual throughput to 526,900,000 gallons and hence avoiding compliance with 40CFR 63R. By limiting the gasoline annual throughput, the facility is also limiting any annual individual HAP emission to under 10 tons per year and the total HAPs emission to under 25 tons per year. Hence, this facility is limiting the Methyl Tertbutyl Ether emission to under 10 tons per year.

Based on this and the annual emission statement submitted to the Department, the Total HAPs are well below the 25 TPY threshold (approximately 2.1 TPY), and the individual HAPs are all well below 10 TPY (all < 1 TPY). Therefore, the facility demonstrates compliance with the 10/25 TPY HAPs threshold.

The data supporting the numbers in this condition can be found in the table attachment titled "Motiva's Summary of Potential Emissions" following page 100 of this permit.

**Condition # 2-20 for 6 NYCRR 201-7, Capping out of 40 CFR 63-R.420(a):** This is a facility-wide condition. This condition is for Working Practice Involving Specific operations for Hexane. The total HAPs annual limit is 25 tons per year and each individual HAP's annual limit such as Hexane is 10 tons per year. A facility can remain below the applicability criteria of the Gasoline Distribution MACT (40 CFR 63 subpart R) by limiting its annual gasoline throughput per year on a twelve month rolling average basis to a level as to maintain an "area source" status for 40 CFR 63 subpart R. This will ensure that the emissions screening factor for bulk gasoline to be less than 1.0. By limiting the annual gasoline throughput, the facility will be below 25 tons per year for total HAPs and below 10 tons per year for each individual HAP. Records of annual gasoline throughput and HAP emissions will be maintained at the facility for a period of five years.

This facility is limiting the gasoline annual throughput to 526,900,000 gallons and hence avoiding



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compliance with 40CFR 63R. By limiting the gasoline annual throughput, the facility is also limiting any annual individual HAP emission to under 10 tons per year and the total HAPs emission to under 25 tons per year. Hence, this facility is limiting the Hexane emission to under 10 tons per year.

Based on this and the annual emission statement submitted to the Department, the Total HAPs are well below the 25 TPY threshold (approximately 2.1 TPY), and the individual HAPs are all well below 10 TPY (all < 1 TPY). Therefore, the facility demonstrates compliance with the 10/25 TPY HAPs threshold.

The data supporting the numbers in this condition can be found in the table attachment titled "Motiva's Summary of Potential Emissions" following page 100 of this permit.

**Condition # 2-21 for 6 NYCRR 201-7, Capping out of 40 CFR 63-R.420(a):** This condition is for Working Practice Involving Specific operations for Toluene. The total HAPs annual limit is 25 tons per year and each individual HAP's annual limit such as Toluene is 10 tons per year. This is a facility-wide condition. A facility can remain below the applicability criteria of the Gasoline Distribution MACT (40 CFR 63 subpart R) by limiting its annual gasoline throughput per year on a twelve month rolling average basis to a level as to maintain an "area source" status for 40 CFR 63 subpart R. This will ensure that the emissions screening factor for bulk gasoline to be less than 1.0. By limiting the annual gasoline throughput, the facility will be below 25 tons per year for total HAPs and below 10 tons per year for each individual HAP and the total HAPs emission to under 25 tons per year. Records of annual gasoline throughput and HAP emissions will be maintained at the facility for a period of five years.

This facility is limiting the gasoline annual throughput to 526,900,000 gallons and hence avoiding compliance with 40CFR 63R. By limiting the gasoline annual throughput, the facility is also limiting any annual individual HAP emission to under 10 tons per year and the total HAPs emission to under 25 tons per year. Hence, this facility is limiting the Toluene emission to under 10 tons per year.

Based on this and the annual emission statement submitted to the Department, the Total HAPs are well below the 25 TPY threshold (approximately 2.1 TPY), and the individual HAPs are all well below 10 TPY (all < 1 TPY). Therefore, the facility demonstrates compliance with the 10/25 TPY HAPs threshold.

The data supporting the numbers in this condition can be found in the table attachment titled "Motiva's Summary of Potential Emissions" following page 100 of this permit.

**Condition # 2-22 for 6 NYCRR 201-7, Capping out of 40 CFR 63-R.427:** This is a facility-wide condition. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for VOC. This condition requires gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations) subject to the MACT (section 63 NESHAPS) - facilities that emit greater than or equal to 10 tons per year of any one HAP or greater than or equal to 25 tons per year of total HAP - that choose a carbon adsorption system for limiting the HAP emissions, to install in the exhaust air stream of the carbon adsorption unit and operate a continuous emission monitoring system (CEMS) capable of measuring organic compound concentration as per 40CFR63 Subpart R.

But, 40 CFR 63 Subpart R is not applicable to the Motiva terminal as long as the facility demonstrates

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that this regulation is not applicable by operating under a 541 million gallons of gasoline annual throughput limit and a 7 mg/L limit (6 hour rolling average) on the VRU as stated in 40 CFR 420(a)(2) Subpart R. Motiva has chosen a vapor recovery unit (VRU) that has a carbon adsorption/absorption system with a continuous emission monitoring system (CEMS). Motiva will monitor the 7 mg/L limit through the use of a continuous emission monitoring system (CEMS) capable of measuring organic compound concentration and is installed in the exhaust air stream. The facility will keep records for at least 5 years.

**Condition # 2-23 for 6 NYCRR 201-7, Capping out of 40 CFR 63-R.428:** This is a facility-wide condition. This condition is for Record Keeping /Maintenance Procedures for HAP. This condition requires gasoline distribution facilities (bulk gasoline terminals and pipeline breakout stations) subject to the MACT (section 63 NESHAPS) - facilities that emit greater than or equal to 10 tons per year of any one HAP or greater than or equal to 25 tons per year of total HAP - to maintain the following records on site as per 40CFR63 Subpart R:

1. Records of the test results for each gasoline cargo tank loading at the facility, including results of the annual certification testing performed under 40CFR63.425(e), and continuous performance testing performed at that facility under 40CFR63.425(f), (g) and (h).
2. Up to date, readily accessible records of all continuous monitoring data.
3. All data and calculations used to determine the operating parameter value used to monitor the loading rack control device and demonstrate continuous compliance.
4. Records of all tank inspections, defects found, and measures taken to correct the defects, as required by 40CFR60.115b. These records must maintained for five years.
5. A log book of the leak detection and repair program.

But, 40 CFR 63 Subpart R is not applicable to the Motiva terminal as long as the facility demonstrates that this regulation is not applicable by operating under a 541 million gallons of gasoline annual throughput limit and a 7 mg/L limit (6 hour rolling average) on the VRU as stated in 40 CFR 420(a)(2) Subpart R. Motiva will monitor the 7 mg/L limit through the use of a continuous emission monitoring system (CEMS) as described in the continuous emissions plan as required by 6NYCRR 231-2. The condition for 40 CFR 63.428, Subpart R is applicable to this facility only if this facility does not comply with the requirements in 40 CFR 63.420(a)(2), Subpart R.

**Condition # 2-24 for 6 NYCRR 201-7, Capping out of 40 CFR 63-R.420(a):** This is a facility-wide condition. This condition is for Working Practice Involving Specific operations for Xylene, M, O & P MIXT. The total HAPs annual limit is 25 tons per year and each individual HAP's annual limit such as Xylene, M, O & P MIXT is 10 tons per year. A facility can remain below the applicability criteria of the Gasoline Distribution MACT (40 CFR 63 subpart R) by limiting its annual gasoline throughput per year on a twelve month rolling average basis to a level as to maintain an "area source" status for 40 CFR 63 subpart R. This will ensure that the emissions screening factor for bulk gasoline to be less than 1.0. By limiting the annual gasoline throughput, the facility will be below 25 tons per year for total HAPs and below 10 tons per year for each individual HAP. Records of annual gasoline throughput and HAP emissions will be maintained at the

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facility for a period of five years.

This facility is limiting the gasoline annual throughput to 526,900,000 gallons and hence avoiding compliance with 40CFR 63R. By limiting the gasoline annual throughput, the facility is also limiting any annual individual HAP emission to under 10 tons per year and the total HAPs emission to under 25 tons per year. Hence, this facility is limiting the Xylene, M, O & P MIXT emission to under 10 tons per year.

Based on this and the annual emission statement submitted to the Department, the Total HAPs are well below the 25 TPY threshold (approximately 2.1 TPY), and the individual HAPs are all well below 10 TPY (all < 1 TPY). Therefore, the facility demonstrates compliance with the 10/25 TPY HAPs threshold.

The data supporting the numbers in this condition can be found in the table attachment titled "Motiva's Summary of Potential Emissions" following page 100 of this permit.

**Condition # 2-25 for 6 NYCRR 201-7, Capping out of 40 CFR 63-R.420(a):** This is a facility-wide condition. This condition is for Working Practice Involving Specific operations for Benzene. The total HAPs annual limit is 25 tons per year and each individual HAP's annual limit such as Benzene is 10 tons per year. A facility can remain below the applicability criteria of the Gasoline Distribution MACT (40 CFR 63 subpart R) by limiting its annual gasoline throughput per year on a twelve month rolling average basis to a level as to maintain an "area source" status for 40 CFR 63 subpart R. This will ensure that the emissions screening factor for bulk gasoline to be less than 1.0. By limiting the annual gasoline throughput, the facility will be below 25 tons per year for total HAPs and below 10 tons per year for each individual HAP. Records of annual gasoline throughput and HAP emissions will be maintained at the facility for a period of five years.

This facility is limiting the gasoline annual throughput to 526,900,000 gallons and hence avoiding compliance with 40CFR 63R. By limiting the gasoline annual throughput, the facility is also limiting any annual individual HAP emission to under 10 tons per year and the total HAPs emission to under 5 tons per year. Hence, this facility is limiting the Benzene emission to under 10 tons per year.

Based on this and the annual emission statement submitted to the Department, the Total HAPs are well below the 25 TPY threshold (approximately 2.1 TPY), and the individual HAPs are all well below 10 TPY (all < 1 TPY). Therefore, the facility demonstrates compliance with the 10/25 TPY HAPs threshold.

The data supporting the numbers in this condition can be found in the table attachment titled "Motiva's Summary of Potential Emissions" following page 100 of this permit.

**Condition # 1-49 for 6 NYCRR 225-3.4(a):** This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures. This condition specifies the records that must be maintained for the gasoline that is being delivered to or distributed from an applicable facility. The records include: the RVP of the gasoline (if subject to the RVP limitations of 225-3.3); a designation of the appropriate time period(s) the gasoline is to be dispensed to motor vehicles; and a written certification that the gasoline conforms with the RVP and oxygen requirements and is in compliance with applicable federal and state regulations.

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**Condition # 2-27 for 6 NYCRR 225-3.6:** This is a facility-wide condition. This condition is for Record Keeping/Maintenance Procedures. This condition specifies that each provision of this Subpart shall be deemed severable, and in the event that any section of this Subpart is held to be invalid, the remainder of this Subpart shall continue in full force and effect.

**Condition # 2-30 for 6 NYCRR 201-7.2, Capping out of 6 NYCRR 229.3(d):** This is an emission unit, emission point and process level condition applying to Emission Unit U-00VRU, Emission Point 00VRU and Process VRU. This condition is for Intermittent Emission Testing for VOC on the VRU. This condition contains the emission limits and operating requirements for gasoline loading terminals (i.e. those facilities with an average daily throughput of gasoline greater than 20,000 gallons). Motiva Enterprises LLC has chosen a vapor recovery unit that has a carbon adsorption/absorption system. The facility is required to conduct a performance stack test during the effective term of the permit. The facility shall perform an initial test, within 180 days following the completion of the modification to the vapor recovery unit to determine compliance with a 7 milligrams per liter limitation for VOCs. The facility shall perform an initial test, within 6 months of their modification to determine compliance with a 7 milligrams per liter limitation for VOCs. Prior to conducting the initial performance test the owner or operator shall submit, at least 60 days in advance of the test, to the Department all test protocols for approval. Based upon the initial test results, (60 days after the test results are submitted and approved, by the Department) the applicant shall submit a continuous compliance monitoring plan (to be approved by the Department) showing continuous compliance with the VOC limitation. Upon Department approval this monitoring plan shall become an enforceable attachment to the permit. The 7 milligram per liter VOC emissions limitation shall replace all other existing VOC emission limitation conditions for the VRU, in this permit. Also, the facility shall submit protocols (for Department approval) and conduct a compliance test once per the term of the permit (once every five years) to verify compliance (through Department approval of the test) with the 7 milligrams per liter VOC limitation.

During the period between the initial modification of the VRU and the Department acceptance of the applicants continuous compliance monitoring plan, the applicant shall make all reasonable efforts to assure that the VRU operates in compliance with the 7 milligrams per liter VOC emissions. The facility shall maintain records to document the methods used to insure compliance.

The vapor recovery unit (VRU) is to be operations at 7 mg/L (6-hour rolling average). Any problems with the unit will be documented and fixed as soon as possible to ensure that it operates at no higher than this maximum level. The VRU must be maintained "in good working order" which is defined as "capturing the gasoline vapors during loading of gasoline transport vehicles, and must condense, adsorb, adsorb or combust the gasoline vapors so the emissions do not exceed 7 mg/liter (6 hour rolling average) of gasoline loaded." Motiva will monitor the 7 mg/L limit through the use of a continuous emission monitoring system (CEMS). In addition, the VRU must be inspected monthly for proper maintenance to ensure compliance with this rule and condition.

The facility is limiting the annual gasoline throughput to 526,900,000 gallons per year and total ethanol plus gasoline throughput to 541,000,000 gallons per year, both at 7 mg/L limit (6 hour rolling average) of VOC emissions on the VRU.

**Condition # 2-31 for 6 NYCRR 201-7.2, Capping out of 6 NYCRR 229.3(d):** This is an emission unit, emission point and process level condition applying to Emission Unit U-00VRU, Emission Point

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00VRU and Process VRU. This condition is for Monitoring of Process or Control Device Parameters as Surrogate for VOC on the VRU. This condition is for the monitoring of the VOC emission limit on the VRU and it is not to exceed 7 mg/L rather than 0.67 pounds per 1000 gallons. This condition prohibits the owners or operators of gasoline loading terminals from loading gasoline into a gasoline transport vehicle from any gasoline loading terminal unless the gasoline loading terminal is equipped with gasoline vapor collection and vapor control systems which are operating and in good working order. The gasoline vapor collection and control systems must capture gasoline vapors during loading and unloading of gasoline transport vehicles and must condense, absorb, adsorb, or combust gasoline vapors so emissions do not exceed 0.67 pounds/1000 gallons of gasoline loaded or unloaded.. Any equivalent system is acceptable. But, for capping out of 40 CFR 63 Subpart R (Gasoline Distribution Facilities - MACT), Motiva Enterprises LLC has chosen a vapor recovery unit that has a carbon adsorption/absorption system that captures gasoline vapors during loading and unloading of gasoline transport vehicles and condenses, absorbs, adsorbs or combusts gasoline vapors so emissions do not exceed 7 mg per liter, which is about ten times stricter than the 0.67 pounds per 1,000 gallons emission standard that is in the 6 NYCRR 229.3(d)(1). Test methods to determine the level of gasoline vapors which are acceptable to the commissioner must be used to determine compliance with this standard. Test methods described in Appendix A of 40 CFR part 60 are considered to be acceptable methods (see table 1, section 200.9 of this Title).

The VRU must be maintained "in good working order" which is defined as "capturing the gasoline vapors during loading of gasoline transport vehicles, and must condense, absorb, adsorb or combust the gasoline vapors so the emissions do not exceed 7 mg/liter of gasoline loaded." In addition, the VRU must be inspected monthly for proper maintenance to ensure compliance with this rule and condition. 40 CFR 63 Subpart R is not applicable to the Motiva terminal as long as the facility demonstrates that this regulation is not applicable by operating under a 541 million gallons of gasoline annual throughput limit and a 7 mg/L limit (6 hour rolling average) on the VRU as stated in 40 CFR 420(a)(2) Subpart R. Motiva will monitor the 7 mg/L limit through the use of a continuous emission monitoring system (CEMS) as described in the continuous emissions plan as required by Condition # 2-22 (condition for 6 NYCRR 201-7, capping out of 6 NYCRR 231-2). The Reference Test Method will be the test method in the approved facility's continuous compliance monitoring plan.

The facility is limiting the annual gasoline throughput to 526,900,000 gallons per year and total ethanol plus gasoline throughput to 541,000,000 gallons per year, both at 7 mg/L limit (6 hour rolling average) of VOC emissions on the VRU. The monitoring of the VOC emission limit on the VRU is not to exceed 7 mg/L rather than 0.67 pounds per 1000 gallons.