Permit #: **28.0701-05**

Effective Date: **February 6, 2014**

Expiration Date: **February 1, 2015**

SOUTH DAKOTA DEPARTMENT OF

ENVIRONMENT AND NATURAL RESOURCES

TITLE V AIR QUALITY PERMIT

Steven M. Pirner, P.E., Secretary
Department of Environment and Natural Resources

Under the South Dakota Air Pollution Control Regulations

Pursuant to Chapter 34A-1-21 of the South Dakota Codified Laws and the Air Pollution Control Regulations of the State of South Dakota and in reliance on statements made by the owner designated below, a permit to operate is hereby issued by the Secretary of the Department of Environment and Natural Resources. This permit authorizes such owner to operate the unit(s) at the location designated below and under the listed conditions:

A. Owner

1. Company Name and Address
   Magellan Pipeline Company, L.P.
   One Williams Center, Mail Drop 27-3
   PO Box 22186
   Tulsa, OK 74121-2186

2. Actual Source Location and Mailing Address if Different from Above
   1000 17th Street Southeast
   Watertown, SD 57201

3. Permit Contact
   Teri Holmes, Air Quality Specialist
   Teri.Holmes@magellanlp.com
   (918) 574-7131
   (918) 557-1368

4. Facility Contact
   Tom Barr, Supervisor of Operations and Maintenance
   (605) 338-5771

5. Responsible Official
   Melanie Little, Vice President, Pipeline Operations
   (918) 574-7500

B. Permit Revisions or Modifications

January 11, 2011- Administrative Amendment to change responsible official
March 11, 2011- Administrative Amendment to change responsible official
February 6, 2014 – Administrative Amendment to change permit contact

C. Type of Operation

Bulk distribution terminal for loading and storage of petroleum products received through a pipeline.

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1.0 STANDARD CONDITIONS

1.1 <u>Operation of source.</u> In accordance with Administrative Rules of South Dakota (ARSD) 74:36:05:16.01(8), the owner or operator shall operate the units, controls, and processes as described in Table 1-1 in accordance with the statements, representations, and supporting data contained in the complete permit application submitted and dated June 26, 2009, and additional information submitted September 15, 2009 and February 6, 2014, unless modified by the conditions of this permit. Except as otherwise provided herein, the control equipment shall be operated in a manner that achieves compliance with the conditions of this permit at all times. The application consists of the application forms, supporting data, and supplementary correspondence. If the owner or operator becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in an application, such information shall be promptly submitted.

Table 1-1 – Description of Permitted Units, Operations, and Processes

Unit	Description	Maximum Operating Capacity	Control Device
#1	1946 truck loading rack	48,000 gallons per hour	Not applicable
#2	Tank 679 – 1946 Graver aboveground petroleum storage tank	759,906 gallons	1982 internal floating roof
#3	Tank 707 – 1946 Chicago Bridge and Iron aboveground petroleum storage tank	987,336 gallons	1982 internal floating roof
#4	Tank 708 – 1946 Chicago Bridge and Iron aboveground petroleum storage tank	987,756 gallons	1982 internal floating roof
#5	Tank 131 – 1946 aboveground petroleum storage tank with a vertical fixed roof	80,784 gallons	Not applicable
#6	Tank 678 – 1946 Graver aboveground petroleum storage tank	759,864 gallons	internal floating roof

1.2 <u>Duty to comply.</u> In accordance with ARSD 74:36:05:16.01(12), the owner or operator shall comply with the conditions of this permit. An owner or operator who knowingly makes a false statement in any record or report or who falsifies, tampers with, or renders inaccurate, any monitoring device or method is in violation of this permit. A violation of any condition in this permit is grounds for enforcement, reopening this permit, permit termination, or denial of a permit renewal application. The owner or operator, in an enforcement action, cannot use the defense that it would have been necessary to cease or reduce the permitted activity to maintain compliance. The owner or operator shall provide any information requested by the Secretary to determine compliance or whether cause exists for reopening or terminating this permit.

1.3 Property rights or exclusive privileges. In accordance with ARSD 74:36:05:16.01(12), the State's issuance of this permit, adoption of design criteria, and approval of plans and specifications does not convey any property rights of any sort, any exclusive privileges, any authorization to damage, injure or use any private property, any authority to invade personal rights, any authority to violate federal, state or local laws or regulations, or any taking, condemnation or use of eminent domain against any property owned by third parties. The State does not warrant that the owner's or operator's compliance with this permit, design criteria, approved plans and specifications, and operation under this permit, will not cause damage, injury or use of private property, an invasion of personal rights, or violation of federal, state or local laws or regulations. The owner or operator is solely and severally liable for all damage, injury or use of private property, invasion of personal rights, infringement of federal, state or local laws and regulations, or taking or condemnation of property owned by third parties, which may result from actions taken under the permit.

1.4 Penalty for violating a permit condition. In accordance with South Dakota Codified Laws (SDCL) 34A-1-39 and 34A-1-47, a violation of a permit condition may subject the owner or operator to civil or criminal prosecution, a state penalty of not more than $10,000 per day per violation, injunctive action, administrative permit action, and other remedies as provided by law.

1.5 Inspection and entry. In accordance with SDCL 34A-1-41, the owner or operator shall allow the Secretary to:

1. Enter the premises where a regulated activity is located or where pertinent records are stored;
2. Have access to and copy any records that are required under this permit;
3. Inspect operations regulated under this permit; and/or
4. Sample or monitor any substances or parameters for the purpose of assuring compliance.

1.6 Severability. In accordance with ARSD 74:36:05:16.01(11), any portion of this permit that is void or challenged shall not affect the validity of the remaining permit requirements.

1.7 Permit termination, modification, or revocation. In accordance with ARSD 74:36:05:46, the Secretary may recommend that the Board of Minerals and Environment terminate, modify, or revoke this permit for violations of SDCL 34A-1 or the federal Clean Air Act or for nonpayment of any outstanding fee or enforcement penalty.

1.8 Credible evidence. In accordance with ARSD 74:36:13:07, credible evidence may be used for the purpose of establishing whether the owner or operator has violated or is violation of this permit. Credible evidence is as follows:

1. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at the source:
   a. A monitoring method approved for the source pursuant to 40 CFR § 70.6(a)(3) and incorporated in this permit; or
   b. Compliance methods specified in an applicable plan;
2. The following testing, monitoring, or information gathering methods are presumptively credible testing, monitoring, or information-gathering methods:

a. Any monitoring or testing methods approved in this permit, including those in 40 CFR Parts 51, 60, 61, and 75; or
b. Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any method in section (1) or (2)(a).

2.0 PERMIT FEES

2.1 **Annual air fee required.** In accordance with ARSD 74:36:05:06.01, the owner or operator shall submit an annual administrative fee and an annual fee. The fee is based on actual emissions in accordance with ARSD 74:37.

2.2 **Annual operational report.** In accordance with ARSD 74:37:01:06, the Secretary will supply the owner or operator with an annual operational report in January of each year. The owner or operator shall complete and submit the operational report to the Secretary by March 1 of each year. The responsible official shall sign the operational report in the presence of a notary public.

2.3 **Annual air fee.** In accordance with ARSD 74:37:01:08, the Secretary will notify the owner or operator of the required annual air emission fee and administrative fee by June 1 of each year. The fees shall accrue on July 1 and are payable to the Department of Revenue by July 31 of each year.

3.0 PERMIT AMENDMENT AND MODIFICATION CONDITIONS

3.1 **Permit flexibility.** In accordance with ARSD 74:36:05:30, the owner or operator shall have the flexibility to make changes to the source during the term of this permit. The owner or operator shall provide the Secretary written notice at least seven days in advance of the proposed change (NOTE: The Secretary will forward a copy of the written notice to EPA). The written notice shall include a brief description of the change, the date on which the change is to occur, any change in emissions, the proposed changes to the permit, and whether the requested revisions are for an administrative permit amendment, minor permit amendment, or permit modification.

The Secretary will notify the owner or operator whether the change is an administrative permit amendment, a minor permit amendment, or a permit modification. A proposed change that is considered an administrative permit amendment or a minor permit amendment can be completed immediately after the Secretary receives the written notification. The owner or operator must comply with both the applicable requirements governing the change and the proposed permit terms and conditions until the Secretary takes final action on the proposed change.

A proposed change that is considered a modification can not be constructed until the Secretary takes final action on the proposed change. Permit modifications are subject to the same procedural requirements, including public comment, as the original permit issuance except that the required review shall cover only the proposed changes.

3.2 **Administrative permit amendment.** In accordance with ARSD 74:36:05:33, the Secretary has 60 days from receipt of a written notice to verify that the proposed change is an administrative permit amendment. As provided in ARSD 74:36:01:03, the Secretary considers a proposed change an administrative permit amendment if the proposed change accomplishes one of the following:

1. Corrects typographical errors;
2. Changes the name, address, or phone number of any person identified in this permit or provides a similar minor administrative change at the source;
3. Requires more frequent monitoring or reporting by the source;
4. The ownership or operational control of a source change and the Secretary determines that no other change in this permit is necessary. However, the new owner must submit a certification of applicant form and a written statement specifying the date for transfer of operating permit responsibility, coverage, and liability; or
5. Any other changes that the Secretary and the administrator of EPA determines to be similar to those requirements in this condition.

3.3 **Minor permit amendment.** In accordance with ARSD 74:36:05:38, the Secretary has 90 days from receipt of a written notice or 15 days after the end of EPA's 45-day review period, whichever is later, to take final action on a minor permit amendment. Final action consists of issuing or denying a minor permit amendment or determining that the proposed change is a permit modification. As provided in ARSD 74:36:05:35, the Secretary considers a proposed change to be a minor permit amendment if the proposed change:

1. Does not violate any applicable requirements;
2. Does not involve significant changes to existing monitoring, reporting, or record keeping requirements;
3. Does not require or change a case-by-case determination of an emission limit or other standard, a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis; or
4. Does not seek to establish or change a permit term or condition for which the source has assumed to avoid an applicable requirement, a federally enforceable emission cap, or an alternative emission limit. An alternative emission limit is approved pursuant to regulations promulgated under section 112(i)(5) of the federal Clean Air Act.

3.4 **Permit modification.** In accordance with ARSD 74:36:05:39, an owner or operator may apply for a permit modification. A permit modification is defined in ARSD 74:36:01:10 as a physical change in or change in the operation of a source that results in at least one of the following:

1. An increase in the amount of an air pollutant emitted by the source or results in the emission of an air pollutant not previously emitted;
2. A significant change to existing monitoring, reporting, or record keeping requirements in the permit;

3. The change requires or changes a case-by-case determination of an emission limit or other standard, a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis; or
4. The change seeks to establish or change a permit term or condition for which there is a corresponding underlying applicable requirement that the source has assumed to avoid an applicable requirement, a federally enforceable emissions cap assumed to avoid classification as a modification under a provision of the Title I of the Clean Air Act, or an alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act.

Permit modifications are subject to the same procedural requirements, including public comment, as the original permit issuance except that the required review shall cover only the proposed changes.

3.5 Changing liquids in storage tank 4018 and 1451. In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall only store diesel or #2 fuel oil in the storage tanks identified as Tank #4018 and #1451. If Tank #4018 or #1451 is to be used to store other petroleum liquids, additional standards and requirements may apply. The owner or operator shall apply for and obtain approval from the Secretary before storing petroleum liquids other than diesel and #2 fuel oil in Tank #4018 or #1451.

3.6 Permit revision. In accordance with ARSD 74:36:05:40, the Secretary may reopen and revise this permit to meet requirements of SDCL 34A-1 or the federal Clean Air Act.

3.7 Testing new fuels or raw materials. In accordance with ARSD 74:36:11:04, an owner or operator may request permission to test a new fuel or raw material to determine if it is compatible with existing equipment before requesting a permit amendment or modification. A complete test proposal shall consist of the following:

1. A written proposal that describes the new fuel or raw material, operating parameters, and parameters that will be monitored and any testing associated with air pollutant emissions during the test;
2. An estimate of the type and amount of regulated air pollutant emissions that will result from the proposed change; and
3. The proposed schedule for conducting the test. In most cases the owner or operator will be allowed to test for a maximum of one week. A request for a test period longer than one week will need additional justification. A test period shall not exceed 180 days.

The Secretary shall approve, conditionally approve, or deny in writing the test proposal within 45 days after receiving a complete proposal. Approval conditions may include changing the test schedule or pollutant sampling and analysis methods. Pollutant sampling and analysis methods may include, but are not limited to performance testing, visible emission evaluation, fuel analysis, dispersion modeling, and monitoring of raw material or fuel rates.

If the Secretary determines that the proposed change will result in an increase in the emission of a regulated air pollutant or result in the emission of an additional regulated air pollutant, the

Secretary shall give public notice of the proposed test for 30 days. The Secretary shall consider all comments received during the 30-day public comment period before making a final decision on the test.

The Secretary will not approve a test if the test would cause or contribute to a violation of a national ambient air quality standard.

4.0 PERMIT RENEWAL REQUIREMENTS

4.1 **Permit effective.** In accordance with ARSD 74:36:05:07, this permit shall expire five years from date of issuance unless reopened or terminated for cause.

4.2 **Permit renewal.** In accordance with ARSD 74:36:05:08, the owner or operator shall submit an application for a permit renewal at least 180 days before the date of permit expiration if the owner or operator wishes to continue an activity regulated by this permit. The current permit shall not expire and shall remain in effect until the Secretary takes final action on the timely permit renewal application.

4.3 **Permit expiration.** In accordance with ARSD 74:36:05:28, permit expiration terminates the owner's or operator's right to operate any unit covered by this permit.

5.0 RECORD KEEPING AND REPORTING

5.1 **Record keeping and reporting.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall maintain all monitoring data, records, reports, and pertinent information specified by this permit for five years from the date of sample, measurement, report, or application unless otherwise specified in this permit. The records shall be maintained on site for the first two years and may be maintained off site for the last three years. All records must be made available to the Secretary for inspection. All notifications and reports shall be submitted to the following address:

South Dakota Department of Environment and Natural Resources
PMB 2020, Air Quality Program
523 E. Capitol, Joe Foss Building
Pierre, SD 57501-3182

5.2 **Signatory Requirements.** In accordance with ARSD 74:36:05:12 and ARSD 74:36:05:16.01, all applications submitted to the Secretary shall be signed and certified by a responsible official. A responsible official for a corporation is a responsible corporate officer and for a partnership or sole proprietorship is a general partner or the proprietor, respectively. All reports or other information submitted to the Secretary shall be signed and certified by a responsible official or a duly authorized representative. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Secretary; and
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

The responsible official shall notify the Secretary if an authorization is no longer accurate. The new duly authorized representative must be designated prior to or together with any reports or information to be signed by a duly authorized representative.

5.3 **Certification statement.** In accordance with ARSD 74:36:05:16.01(14)(a), all documents required by this permit, including application forms, reports, and compliance certification, must be certified by a responsible official or a duly authorized representative. The certification shall include the following statement:

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

5.4 **Monitoring log.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall maintain a monitoring log. The monitoring log shall contain the following information.

1. Maintenance schedule for each piece of control equipment listed in Table 1. At a minimum, the maintenance schedule shall meet the manufacturer's recommended schedule for maintenance. The following information shall be recorded for maintenance:
   a. Identify the unit;
   b. The date and time maintenance was performed;
   c. Description of the type of maintenance;
   d. Reason for performing maintenance;
   a. Signature of person performing maintenance;
2. The owner or operator shall maintain relevant records of the occurrence and duration of each startup, shutdown, or malfunction of process equipment and/or air pollution control equipment; and
3. The following information shall be recorded within two days of each emergency exceedance:
   a. The date of the emergency exceedance and the date the emergency exceedance was reported to the Secretary;
   b. The cause(s) of the emergency;
   c. The reasonable steps taken to minimize the emissions during the emergency; and
   d. A statement that the permitted equipment was at the time being properly operated.

5.5 **Annual records.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall calculate and record the following amounts from January 1 to December 31 of each year:

1. Actual loading rack throughput of gasoline;
2. Actual VOC emissions attributed to the loading rack; and
3. Actual VOC emissions attributed to the permitted storage tanks.

5.6 **Semiannual reports.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall submit semiannual reports to the Secretary. The semiannual reports shall include a summary of the following information:

1. Name of facility, permit number, reference to this permit condition, identifying the submittal as a semiannual report, and calendar dates covered in the reporting period;
2. The daily total, in gallons, of gasoline transferred through Unit #1 for each day in the reporting period; and
3. The 12-month rolling total, in gallons, of gasoline transferred through Unit #1 for each month in the reporting period.

The semi-annual reports shall be based on a calendar year basis and submitted to the Secretary by July 30 for the first semi-annual report and by January 30 for the second semi-annual report.

5.7 **Annual compliance certification.** In accordance with ARSD 74:36:05:16.01(14), the owner or operator shall submit an annual compliance certification letter to the Secretary by March 1 of each year this permit is in effect (NOTE: The Secretary will forward a copy of the certification letter to EPA). The certification shall contain the following information:

1. Methods used to determine compliance, including: monitoring, record keeping, performance testing and reporting requirements;
2. The source is in compliance and will continue to demonstrate compliance with all applicable requirements;
3. In the event the source is in noncompliance, a compliance plan that indicates how the source has or will be brought into compliance; and
4. Certification statement required in permit condition 5.3.

5.8 **Reporting permit violations.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall report all permit violations. A permit violation should be reported as soon as possible, but no later than the first business day following the day the violation was discovered. The permit violation may be reported by telephone to the South Dakota Department of Environment and Natural Resources at (605) 773-3151 or by FAX at (605) 773-5286.

A written report shall be submitted within five days of discovering the permit violation. Upon prior approval from the Secretary, the submittal deadline for the written report may be extended up to 30 days. The written report shall contain:

1. Description of the permit violation and its cause(s);
2. Duration of the permit violation, including exact dates and times; and
3. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the permit violation.

6.0 CONTROL OF REGULATED AIR POLLUTANTS

6.1 **Visibility limit.** In accordance with ARSD 74:36:12:01, the owner or operator may not discharge into the ambient air an air contaminant of a density equal to or greater than that designated as 20 percent opacity from any permitted unit, operation, or process listed in Table #1. This provision does not apply when the presence of uncombined water is the only reason for failure to meet the requirement.

6.2 **Visibility exceedances.** In accordance with ARSD 74:36:12:02, an exceedance of the operating limit in permit condition 6.1 is not considered a violation during brief periods of soot blowing, start-up, shutdown, or malfunctions. Malfunction means any sudden and unavoidable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. A failure caused entirely or in part by poor maintenance, careless operation, preventable equipment breakdown, or any other cause within the control of the owner or operator of the source is not a malfunction and is considered a violation.

6.3 **Daily gasoline throughput restrictions for Unit #1.** In accordance with ARSD 74:36:05:16.01(8), beginning January 10, 2011, the owner or operator shall restrict the gasoline throughput for Unit #1 to less than 250,000 gallons per calendar day.

6.4 **12-month rolling gasoline throughput restrictions for Unit #1.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall restrict the gasoline throughput for Unit #1 to less than or equal to 84,000,000 gallons per 12-month rolling period.

6.5 **Plant wide hazardous air pollutant emission limit.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall limit the amount of hazardous air pollutant emissions from the facility to less than 9.5 tons per 12-month rolling period for a single hazardous air pollutant and 23.8 tons per 12-month rolling period for a combination of hazardous air pollutants. Compliance with this limit shall be based on the gasoline throughput limit in permit condition 6.4.

6.6 **Air emission exceedances – emergency conditions.** In accordance with ARSD 74:36:05:16.01(18), the Secretary will allow for an unavoidable emission exceedance of a technology-based emission limit if the exceedance is caused by an emergency condition and immediate action is taken by the owner or operator to restore the operations back to normal. An emergency condition is a situation arising from a sudden and reasonably unforeseeable event beyond the control of the source, including acts of God. An emergency shall not include an emission exceedance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error. The owner or operator shall notify the Secretary within two working days of the incident and take all steps possible to eliminate the excess emissions. The notification must provide a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. If the notification is submitted orally, a written report summarizing the information required by the notification shall be submitted and postmarked within 30 days of the oral notification

6.7 **Circumvention not allowed.** In accordance with ARSD 74:36:05:47.01, the owner or operator may not install, use a device, or use a means that conceals or dilutes an air emission that would otherwise violate this permit. This includes operating a unit or control device that emits air pollutants from an opening other than the designed stack, vent, or equivalent opening.

6.8 **Minimizing emissions.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator shall at all time, when practicable, maintain and operate all permitted units in a manner that minimizes air pollution emissions.

7.0 PERFORMANCE TESTS

7.1 **Performance test may be required.** In accordance with ARSD 74:36:11:02, the Secretary may request a performance test during the term of this permit. A performance test shall be conducted while operating the unit at or greater than 90 percent of its maximum design capacity, unless otherwise specified by the Secretary. A performance test conducted while operating less than 90 percent of its maximum design capacity will result in the operation being limited to the percent achieved during the performance test. The Secretary has the discretion to extend the deadline for completion of performance test required by the Secretary if circumstances reasonably warrant but will not extend the deadline past a federally required performance test deadline.

7.2 **Test methods and procedures.** In accordance with ARSD 74:36:11:01, the owner or operator shall conduct the performance test in accordance with 40 CFR Part 60, Appendix A, 40 CFR Part 63, Appendix A, and 40 CFR Part 51, Appendix M. The Secretary may approve an alternative method if a performance test specified in 40 CFR Part 60, Appendix A, 40 CFR Part 63, Appendix A, and 40 CFR Part 51, Appendix M is not federally applicable or federally required.

7.3 **Representative performance test.** In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.8(c), performance tests shall be conducted under such conditions as the Secretary shall specify to the owner or operator based on the representative performance of the unit being tested. The owner or operator shall make available to the Secretary such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in this permit.

7.4 **Submittal of test plan.** In accordance with ARSD 74:36:11:01, the owner or operator shall submit the proposed testing procedures to the Secretary at least 30 days prior to any performance test. The Secretary will notify the owner or operator if the proposed test procedures are approved or denied. If the proposed test procedures are denied, the Secretary will provide written notification that outlines what needs to be completed for approval.

7.5 **Notification of test.** In accordance with ARSD 74:36:11:03, the owner or operator shall notify the Secretary at least 10 days prior to the start of a performance test to arrange for an agreeable test date when the Secretary may observe the test. The Secretary may extend the deadline for the performance test in order to accommodate schedules in arranging an agreeable test date.

7.6 **Performance test report.** In accordance with ARSD 74:36:05:16.01(9), the owner or operator shall submit a performance test report to the Secretary within 60 days after completing the performance test or by a date designated by the Secretary. The performance test report shall contain the following information:

1. A brief description of the process and the air pollution control system being tested;
2. Sampling location description(s);
3. A description of sampling and analytical procedures and any modifications to standard procedures;
4. Test results;
5. Quality assurance procedures and results;
6. Records of operating conditions during the test, preparation of standards, and calibration procedures;
7. Raw data sheets for field sampling and field and laboratory analyses;
8. Documentation of calculations;
9. All data recorded and used to establish parameters for compliance monitoring; and
10. Any other information required by the test method.

8.0 EXEMPTION – 40 CFR PART 63, SUBPART R

8.1 **Subpart R exemption.** In accordance with ARSD 74:36:05:16.01(8), the owner or operator is exempt from the requirements in ARSD 74:36:08:12, as referenced to 40 CFR Part 63, Subpart R. The exemption is due to the gasoline throughput restriction for Unit #1 and the plant wide hazardous air pollutant emission limit specified in permit conditions 6.3 and 6.4, respectively. Any relaxation in the limits that increases hazardous air pollutant emissions greater than or equal 10 tons per 12-month rolling period for a single hazardous air pollutant and/or 25 tons per 12-month rolling period for a combination of hazardous air pollutants may require the owner or operator to comply with the requirements in 40 CFR, Part 63, Subpart R and modify this permit to include those requirements.

9.0 40 CFR PART 63, SUBPART BBBBBB

9.1 **Compliance deadline.** In accordance with 40 CFR § 63.11083(b), the owner or operator must comply with the permit conditions in this Chapter as well as any other applicable requirements of Subpart BBBBBB no later than January 10, 2011.

9.2 <u>Requirements for gasoline storage tanks.</u> In accordance with 40 CFR § 63.11087(a), the owner or operator shall meet the emission limit and maintenance practice as outline below:

1. Each gasoline storage tank with a capacity of less than 75 cubic meters (19,813 gallons) shall be equipped with a fixed roof that is mounted to the storage tank in a stationary manner, and maintain all openings in a closed position at all times when not in use; and
2. Each gasoline storage tank with a capacity of greater than or equal to 75 cubic meters (19,813 gallons) shall be equipped with one of the following:
   a. A closed vent system and control device as specified in 40 CFR § 60.112b(a)(3) that reduces emissions of total organic hazardous air pollutants or total organic compounds by 95 weight-percent;
   b. An internal floating roof as specified in 40 CFR § 60.112b(a)(1), except for the secondary seal requirements under 40 CFR § 60.112b(a)(1)(ii)(B) and the requirements in 40 CFR § 60.112b(a)(1)(iv) through (ix);
   c. An external floating roof as specified in 40 CFR § 60.112b(a)(2), except the requirements under 40 CFR § 60.112b(a)(2)(ii) apply only if the storage tank does not meet the requirements of 40 CFR § 60.112b(a)(2)(i);or
   d. Equip and operate each internal and external floating roof gasoline storage tank as specified in 40 CFR § 63.1063(a)(1) and (b) and equip each external floating roof gasoline storage tank as specified in 40 CFR § 63.1063(a)(2) if the roof does not meet the requirements specified in 40 CFR § 63.1063(a)(1).

9.3 <u>Testing requirements for gasoline storage tanks.</u> In accordance with 40 CFR § 63.11087(c) and 40 CFR § 63.11092(e), the owner or operator shall conduct inspections on the gasoline storage tanks as follows:

1. If your gasoline storage tank is equipped with an internal floating roof, you must perform inspections of the floating roof system according to the requirements of 40 CFR § 60.113b(a) if you are complying with option 2(b) in permit condition 9.2, or according to the requirements of 40 CFR § 63.1063(c)(1) if you are complying with option 2(d) in permit condition 9.2;
2. If your gasoline storage tank is equipped with an external floating roof, you must perform inspections of the floating roof system according to the requirements of 40 CFR § 60.113b(b) if you are complying with option 2(c) in permit condition 9.2, or according to the requirements of 40 CFR § 63.1063(c)(2) if you are complying with option 2(d) in permit condition 9.2; or
3. If your gasoline storage tank is equipped with a closed vent system and control device, you must conduct a performance test and determine a monitored operating parameter value in accordance with the requirements in 40 CFR § 11092(a) through (d), except that the applicable level of control specified shall be a 95-percent reduction in inlet total organic compounds (TOC) levels rather than 80 mg/l of gasoline loaded.

9.4 **Requirements for gasoline loading rack.** In accordance with 40 CFR § 63.11088(a), the owner or operator shall use submerged filling with a submerged fill pipe that is not more than 6 inches from the bottom of the cargo tank at its gasoline loading rack.

9.5 **Requirements for equipment leaks.** In accordance with 40 CFR § 63.11089(a), the owner or operator shall develop a leak detection and repair program that meets the following requirements:

1. Perform a monthly leak inspection of all equipment in gasoline service. The inspection detection methods may include sight, sound, and smell;
2. A log book shall be used and shall be signed by the owner or operator at the completion of each inspection. A section of the log book shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service;
3. Detection of a liquid or vapor leak shall be recorded in the log book. If a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak; and
4. Repairs of leaking equipment may be delayed if the repair is not feasible within 15 days.

9.6 **Notification, records and reports.** In accordance with 40 CFR § 63.11093, 40 CFR § 63.11094, and 40 CFR § 63.11095, the owner or operator shall develop, maintain, and submit the applicable notification, records, and reports.