

Permit #: 28.0703-01
Effective Date: October 5, 2012
Expiration Date: October 5, 2017



The seal of the State of South Dakota is a circular emblem with a serrated outer edge. It features a central landscape scene with a river, trees, and mountains. The text "STATE OF SOUTH DAKOTA" is arched across the top, and "1889" is at the bottom. A banner across the middle reads "UNDER GOD THE PEOPLE RULE".

**SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
TITLE V AIR QUALITY OPERATING 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

NuStar Operating Partnership L.P.
7340 West 21st St. N., Suite 200
Wichita, KS 67205

2. Actual Source Location and Mailing Address if Different from Above

3721 South Grange Avenue, Sioux Falls, SD 57105-6389

3. Permit Contact

Suzanna McMillan
Associate Environmental Coordinator
(316) 721-7029

4. Facility Contact

Suzanna McMillan
Associate Environmental Coordinator
(316) 721-7029

5. Responsible Official

Gerald R. Koegeboehn
Vice President/General Manager Central East Region
(316) 721-7052

B. Permit Revisions or Modifications

Not applicable

C. Type of Operation

Refined petroleum pipeline terminal

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1.0 Standard Conditions

1.1 Operation of source

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 received June 27, 2011, unless modified by the conditions of this permit. Except as otherwise provided herein, the control equipment shall be operated at all times in accordance with the manufacturer's specification and in a manner that achieves compliance with the conditions of this permit. The application consists of the application forms, supporting data, and supplementary correspondence. If the owner or operator becomes aware 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 Capacity	Control Equipment
#1	Tank 45-1 - 1942 Graver aboveground storage tank for distillate, gasoline and ethanol products	1,874,796 gallons	Internal floating roof
#2	Tank 45-2 - 1942 Graver aboveground storage tank for distillate, gasoline and ethanol products	1,878,744 gallons	Internal floating roof
#3	Tank 45-3 - 1942 Graver aboveground storage tank for distillate, gasoline and ethanol products	1,878,744 gallons	Internal floating roof
#4	Pre-1980, two bay, bottom fill, transport truck loading rack.	220,000,000 gallons per 12-month period ¹	2009 John Zink Vapor Control Unit Model # zct-5-8-35-x-2/8
#5	Tank 2-65 - 1942 Graver fixed roof above ground storage tank for refined petroleum and ethanol products	91,560 gallons	Not applicable
#7	Tank 25-9 - 1942 Graver fixed roof above ground storage tank for distillate, gasoline and ethanol products	1,037,400 gallons	Not applicable
#8	Tank 4-1 1942 Graver fixed roof above ground storage tank for distillate, gasoline and ethanol products	168,000 gallons	Not applicable
#9	Tank 4-2 1942 Graver fixed roof above ground storage tank for distillate, gasoline and ethanol products	168,000 gallons	Not applicable
#10	Tank 18-1 1942 Graver fixed roof above ground storage tank for distillate, gasoline and ethanol products	772,800 gallons	Not applicable

Unit	Description	Maximum Capacity	Control Equipment
#11	Tank 25-9 for distillate, gasoline and ethanol products	1,037,000 gallons	Not applicable
#12	Tank 42-1 1950 Graver fixed roof above ground storage tank for distillate, gasoline and ethanol products	1,751,300 gallons	Not applicable
#13	Tank 42-2 1950 Graver fixed roof above ground storage tank for distillate, gasoline and ethanol products	1,751,300 gallons	Not applicable
#14	Tank 54-1 1942 Graver fixed roof above ground storage tank for distillate, gasoline and ethanol products	2,263,650 gallons	Not applicable
#15	Tank 54-2 1942 Graver fixed roof above ground storage tank for distillate, gasoline and ethanol products	2,267,854 gallons	Not applicable

1.2 Duty to comply

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 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, upon presentation of credentials, 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 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 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 in violation of this permit. Credible evidence may consist of the following:

1. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred:
 - a. A monitoring method approved 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 paragraph (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 Amendments and Modifications

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 cannot be implemented until the Secretary takes final action on the proposed change or the owner or operator was issued an air quality construction permit. 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 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;
3. Requires more frequent monitoring or reporting;
4. The ownership or operational control changes and the Secretary determines 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 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 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 recordkeeping 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 recordkeeping 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 the required review shall cover only the proposed changes.

3.5 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. In accordance with ARSD 74:36:05:41, the Secretary shall notify the owner or operator at least 30 days before reopening this permit. The 30-day period may be less in the case of an emergency.

3.6 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 describing 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 resulting 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 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

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 to operate 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 Recordkeeping and Reporting

5.1 Recordkeeping 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 1-1. 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; and
 - e. Signature of person performing maintenance; and
2. 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 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. The amount of volatile organic compound emissions from Unit #1 through #5;
2. The amount of gasoline, distillate oil, and denatured ethanol loaded into cargo trucks from the loading rack; and
3. The number of hours Unit #4 operated and the amount of propane, in gallons, burned in Unit #4.

5.6 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, recordkeeping, 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.

5.7 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) 773-4068.

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. A description of the permit violation and its cause(s);
2. The duration of the permit violation, including exact dates and times; and
3. The 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 1-1, unless otherwise

specified in this permit. 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 opacity 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 is not a malfunction and is considered a violation.

6.3 Total suspended particulate matter limits

In accordance with ARSD 74:36:06:02(1), the owner or operator shall not allow the emission of total suspended particulate matter in excess of the emission limit specified in Table 6-1 for the appropriate permitted unit, operation, and process.

Table 6-1 – Total Suspended Particulate Matter Emission Limit

Unit	Description	Emission Limit
#1	Loading rack vapor combustor	0.5 pounds per million Btus heat input

6.4 Sulfur dioxide limits

In accordance with ARSD 74:36:06:02(2), the owner or operator shall not allow the emission of sulfur dioxide in excess of the emission limit specified in Table 6-2 for the appropriate permitted unit, operations, and process.

Table 6-2 – Sulfur Dioxide Emission Limit

Unit	Description	Emission Limit
#1	Loading rack vapor combustor	3.0 pounds per million Btu heat input

Compliance with the sulfur dioxide emission limit is based on a three-hour rolling average, which is the arithmetic average of three contiguous one-hour periods.

6.5 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 owner or operator, 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

6.6 Circumvention not allowed

In accordance with ARSD 74:36:07:01, as referenced to 40 CFR § 60.12, 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.

6.7 Minimizing emissions

In accordance with ARSD 74:36:08:03, as referenced to 40 CFR § 63.6(e)(1)(i), the owner or operator shall at all times, including periods of startup, shutdown, and malfunction, operate and maintain any permitted unit, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires the owner or operator to reduce emissions from the permitted unit to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Secretary which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including a startup, shutdown, and malfunction plan, if required), review of operation and maintenance records, and inspection of the operation.

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 outlining 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 represented in the same terminology as the permit limits;
5. Quality assurance procedures and results;
6. Records of operating conditions during the test necessary for demonstrating compliance with the permit limits, 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 40 CFR 63 Subpart R – GASOLINE DISTRIBUTION

8.1 Bulk gasoline restrictions

In accordance with ARSD 74:36:08:12, as referenced to 40 CFR § 63.420(a)(1) and (c)(1), the owner or operator shall not exceed the value of the parameters listed in Table 8-1 in any 30-day rolling period.

Table 8-1 – Gasoline Throughput and Operational Parameter Values

CF	T _F	CE	T _E	T _{ES}	T _I	C	K	Q	OE
0.161	5	0	0	0	5	4,000	4.52E-06	2,281,619	0.853

Where the parameters in Table 8-1 mean the following:

1. “CF” identifies the bulk gasoline terminal does not handle any reformulated or oxygenated gasoline containing 7.6 percent by volume or greater methyl tert-butyl ether;
2. “T_F” means the total number of fixed roof gasoline storage tanks without an internal floating roof;
3. “CE” means the control efficiency limitation or potential to emit for the vapor processing system used to control emissions from fixed roof gasoline storage vessels;
4. “T_E” means the total number of external floating roof gasoline storage tanks with only primary seals;
5. “T_{ES}” means the total number of external floating roof gasoline storage tanks with primary and secondary seals;
6. “T_I” means the total number of fixed roof gasoline storage tanks with an internal floating roof;
7. “C” means the number of pumps, valves, connectors, load arm valves, and open ended lines in gasoline service;
8. “K” identifies the loading rack is not equipped with controls;
9. “Q” means the gasoline throughput limit, in liters per day; and
10. “OE” means other hazardous air pollutant emissions, in tons per year.

8.2 Daily parameter records

In accordance with ARSD 74:36:08:12, as referenced to 40 CFR § 63.420(c)(2) and 40 CFR § 63.428(i)(2), the owner or operator shall maintain daily records and a 30 day rolling total to document the parameters listed in Table 10-1 have not been exceeded.

8.3 Annual parameter report

In accordance with ARSD 74:36:08:12, as referenced to 40 CFR § 63.420(c)(2) and 40 CFR § 63.428(i)(3), the owner or operator shall submit an annual report to the Secretary. The annual report shall include the following information:

1. Name of facility, permit number, reference to this permit condition, identifying the submittal as an annual report, and calendar dates covered in the reporting period; and

2. A statement that the gasoline throughput and operational parameters in Table 10-1 have not been exceeded during the reporting period.

The annual report must be postmarked no later than 30 days (January 30th) after the end of the reporting period.

8.4 Acceptable changes to parameters

In accordance with ARSD 74:36:08:12, as referenced to 40 CFR § 63.420(c)(2) and 63.428(i)(4), the owner or operator may submit a written notice to request a change a parameter in Table 8-1 prior to any of the parameters being exceeded. The written notice shall consist of the following:

1. Name of facility, permit number, and reference to this permit condition;
2. A written proposal that lists the existing operational parameters, operational parameter changes, the screening equation, and the result of the screening equation;
3. A description of the change and the potential emissions resulting from the change;
4. The proposed schedule for changing the operational parameter(s); and
5. A signed certification as described in permit condition 5.3.

A request to change the gasoline throughput or operational parameter in Table 10-1 is considered a minor permit amendment if the proposed change is entered in Equation 10-1 and results in a value of “E_T” less than 1.0 and the Secretary determines no other state or federal requirements are applicable. The parameters in Equation 10-1 have the same meaning as identified in permit condition 8.1.

Equation 8-1 – Screening Equation for an Area Source

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

8.5 Proposed changes to parameters considered a permit modification

In accordance with ARSD 74:36:08:12, as referenced to 40 CFR § 63.420, if a proposed change to a parameter in Table 8-1 that results in an “E_T” value equal to or greater than one as calculated by Equation 8-1, additional standards and requirements in 40 CFR Part 63, Subpart R may apply. The owner or operator shall apply for and obtain approval from the Secretary before implementing such a change.

9.0 MACT Requirements for Bulk Gasoline Terminals

9.1 Compliance deadline

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR §§ 63.11083(b), 63.11087(b), 63.11088(c), and 63.11089(e), the owner or operator shall meet the requirements in Chapter 9.0 by January 10, 2011, except that storage vessels equipped with floating roofs and not meeting the requirements in permit condition 9.4 must be in compliance at the first degassing and cleaning activity after January 10, 2011 or by January 10, 2018, whichever is first.

9.2 Requirements for loading rack

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11088(a), the owner or operator shall construct, operate and maintain a loading rack that meets the following requirements:

1. A vapor collection system designed to collect the total organic compound vapors displaced from cargo tanks during product loading;
2. Reduce emissions of total organic compounds to less than or equal to 80 milligrams per liter of gasoline loaded into gasoline cargo tanks at the loading rack; and
3. Limit the loading of gasoline in gasoline cargo tanks that are vapor tight using procedures specified in permit condition 9.2 through 9.7, inclusive.

9.3 Gasoline storage tanks exempt from requirements

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11087(f), the owner or operator of a gasoline storage tank subject to and complies with the requirements in 40 CFR § 60.110 is deemed in compliance with Chapter 9.0.

10.4 Requirements for gasoline storage tanks

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11087(a), the owner or operator shall meet the following requirements for gasoline storage tanks:

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;
2. Each gasoline storage tank with a capacity of less than 151 cubic meters (39,900 gallons) and a throughput of 480 gallons per day or less 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. The gallons per day throughput is calculated by summing the current day's throughput, plus the throughput for the previous 364 days, and then dividing that sum by 365;
3. Each gasoline storage tank with a capacity greater than or equal to 75 cubic meters (19,813 gallons) and not meeting the criteria specified in paragraph (1) or (2) shall meet the following:
 - a. Equip each gasoline storage tank with a fixed roof and an internal floating roof that meets the specifications in permit condition 9.5; and
 - b. Equip each gasoline storage tank with an external floating roof that meets the specifications in permit condition 9.6; or
 - c. Equip and operate each internal and external floating roof gasoline storage tank as specified in permit condition 9.7;
4. Equip each surge control tank with a fixed roof that is mounted to the tank in a stationary manner and a pressure/vacuum vent with a positive cracking pressure of no less than 0.50 inches of water and maintain all openings in a closed position at all time when not in use.

9.5 Internal floating roof specifications

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11087(a), a fixed roof and an internal floating roof installed to meet the requirements of paragraph (3)(a) of permit condition 9.4 shall meet the following specifications:

1. The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside the storage vessel. The internal floating roof shall be floating on the liquid surface at all times except during initial fill and when the tank is completely emptied and subsequently refilled. The process of emptying and refilling when the cover is resting on the leg supports shall be continuous and accomplished as rapidly as possible;
2. The internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:
 - a. A foam or liquid filled seal mount in contact with the liquid. A liquid mounted seal means a foam or liquid filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank; or
 - b. A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof; and
3. Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

9.6 External floating roof specifications

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11087(a), an external floating roof installed to meet the requirements of paragraph (3)(b) of permit condition 9.4 shall meet the following specifications. An external floating roof means a pontoon-type or double-deck type cover that rest on the liquid surface in a vessel with no fixed roof:

1. The external floating roof shall be equipped with a closure device between the wall of the storage vessel and the roof edge. The closure device shall consist of two seals, one above the other. The lower seal is referred to as the primary seal and the upper seal is referred to as the secondary seal:
 - a. The primary seal shall be either a mechanical shoe seal or a liquid-mounted seal. The seal shall completely cover the annular space between the edge of the floating roof and tank wall; and
 - b. The secondary seal shall completely cover the annular space between the external floating roof and the wall of the storage vessel in a continuous fashion; and
2. The roof shall be floating on the liquid at all times (i.e., off the roof leg supports) except during initial fill until the roof is lifted off leg supports and when the tank is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible; and

3. If the owner or operator installs an external roof after January 10, 2011, the external roof shall also meet the following requirements:
 - a. Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface;
 - b. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal, or lid that is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use;
 - c. Automatic bleeder vents are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports;
 - d. Rim vents are to be set to open when the roof is being floated off the roof legs supports or at the manufacturer's recommended setting;
 - e. Automatic bleeder vents and rim space vents are to be gasketed; and
 - f. Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

9.7 Other options for internal and external floating roof specifications

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11087(a), an internal and external floating roof installed to meet the requirements of paragraph 3(c) of permit condition 9.4 shall meet the following specifications:

1. The internal floating roof shall be equipped with one of the following seal configurations:
 - a. A liquid-mounted seal; or
 - b. A mechanical shoe seal;
2. The external floating roof shall be equipped with one of the following seal configurations:
 - a. A liquid-mounted seal and a secondary seal; or
 - b. A mechanical shoe seal and a secondary seal. The upper end of the shoe(s) shall extend a minimum of 61 centimeters (24 inches) above the stored liquid surface; and
 - c. If the external floating roof is equipped with a liquid-mounted seal or mechanical shoe seal, or a vapor-mounted seal and secondary seal, as of November 9, 2006, the seal options specified in paragraph (2)(a) and (2)(b) do not apply until the next time the storage vessel is completely emptied and degassed, or November 9, 2016, whichever occurs first.
3. If the external floating roof is not equipped with the requirements in paragraph (2) by January 10, 2011, the owner or operator shall equip the external floating roof with the following:
 - a. Each opening except those for automatic bleeder vents (vacuum breaker vents) and rim space vents shall have its lower edge below the surface of the stored liquid;
 - b. Each opening except those for automatic bleeder vents (vacuum breaker vents), rim space vents, leg sleeves, and deck drains shall be equipped with a deck cover. The deck cover shall be equipped with a gasket between the cover and the deck;
 - c. Each automatic bleeder vent (vacuum breaker vent) and rim space vent shall be equipped with a gasketed lid, pallet, flapper, or other closure device;

- d. Each opening for a fixed roof support column may be equipped with a flexible fabric sleeve seal instead of a deck cover;
 - e. Each opening for a sample well or deck drain (that empties into the stored liquid) may be equipped with a slit fabric seal or similar device that covers at least 90 percent of the opening, instead of a deck cover;
 - f. Each cover on access hatches and gauge float wells shall be designed to be bolted or fastened when closed;
 - g. Each opening for an unslotted guidepole shall be equipped with a pole wiper, and each unslotted guidepole shall be equipped with a gasketed cap on the top of the guidepole;
 - h. Each opening for a slotted guidepole shall be equipped with a pole wiper and a pole float or a pole wiper and a pole sleeve. The wiper or seal of the pole float shall be at or above the height of the pole wiper; and
 - i. If the floating roof does not meet the requirements in paragraph (3) as of November 9, 2006, these requirements do not apply until the next time the vessel is completely emptied and degassed, or November 9, 2016, whichever occurs first.
4. Each internal or external floating roof shall meet the following operational requirements:
- a. The floating roof shall float on the stored liquid surface at all times, except when the floating roof is supported by its leg supports or other support devices (i.e., hangers from the fixed roof);
 - b. When the storage vessel is storing liquid, but the liquid depth is insufficient to float the floating roof, the process of filling to the point of refloating the floating roof shall be continuous and shall be performed as soon as practical;
 - c. Each cover over an opening in the floating roof, except for automatic bleeder vents (vacuum breaker vents) and rim space vents, shall be closed at all times, except when the cover must be open for access;
 - d. Each automatic bleeder vent (vacuum breaker vent) and rim space vent shall be closed at all times, except when required to be open to relieve excess pressure or vacuum, in accordance with the manufacturer's design; and
 - e. Each unslotted guide pole cap shall be closed at all times except when gauging the liquid level or taking liquid samples.

9.8 Monthly equipment leak inspections and log book

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11089(a), (b), (c), and (d) the owner or operator shall perform a monthly leak inspection of all equipment in gasoline service. "In gasoline service" means that a piece of equipment is used in a system that transfers gasoline or gasoline vapors. The monthly leak inspection shall meet the following requirements:

1. The inspection detection methods may include sight, sound, and smell;
2. Maintain a log book to document each inspection. The log book 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, and/or diagram(s) showing the location of all equipment in gasoline service;
3. 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. Detection of a liquid or vapor leak shall be recorded in the log book and the date the repair is completed; and

4. Repairs of leaking equipment may be delayed if the repair is not feasible within 15 days. The reason for the delay and the date each delayed repair is completed shall be documented in the log book.

9.9 Periodic internal floating roof tank inspections

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR §§ 63.11087(c) and 63.11092(e)(1), the owner or operator shall inspect an internal floating roof meeting the specifications paragraph (3)(a) of permit condition 9.4 as follows:

1. Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with volatile organic liquids. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel;
2. For a storage vessel equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or secondary seal (if one is in service) at least once every 12 months after the initial fill. The visual inspection may be conducted through manholes and roof hatches on the fixed roof. A failure occurs if the internal roof is not resting on the surface of the volatile organic liquid inside the storage vessel, there is liquid accumulated on the roof, the seal is detached, or there are holes or tears in the seal fabric. The owner or operator shall either repair the internal floating roof and/or the primary seal or secondary seal or empty or remove the storage vessel from service within 45 days of discovering a failure. The owner or operator may request a 30-day extension if the tank cannot be repaired or emptied within 45 days of discovering a failure. The Secretary will grant a 30-day extension if the extension request documents that alternate storage capacity is unavailable and specifies a schedule of actions the owner or operator will take that will assure that the equipment will be repaired or the vessel will be emptied as soon as possible;
3. Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with volatile organic liquids. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in paragraph (2); and
4. For all the inspections required by paragraph (1) through (3), the owner or operator shall notify the Secretary in writing at least 30 days prior to the filling or refilling of each storage vessel to afford the Secretary the opportunity to inspect the storage vessel prior to

refilling. If the inspection is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Secretary at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Secretary at least 7 days prior to the refilling.

9.10 Periodic internal floating roof tank inspection for other option

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR §§ 63.11087(c) and 63.11092(e)(1), the owner or operator shall inspect an internal floating roof meeting the specifications in paragraph (3)(c) of permit condition 9.4 as follows:

1. Before the storage vessel is initially filled, the owner or operator shall visually inspect the floating roof deck, deck fittings, and rim seal within the storage vessel. The inspection may be performed entirely from the top side of the floating roof, as long as there is a visual access to all deck components (i.e., liquid-mounted seals, mechanical shoe seal).
2. At least once per year the internal floating roof shall be inspected. A tank-top inspection shall be conducted by visually inspecting the floating roof deck, deck fittings, and rim seal through openings in the fixed roof. Identification of holes or tears in the rim seal is required only for the seal that is visible from the top of the storage vessel;
3. Each time a storage vessel is completely emptied or degassed, or every 10 years, whichever occurs first, the internal floating roof shall be inspected. The inspections shall be conducted by visually inspecting the floating roof deck, deck fittings, and rim seals from within the storage vessel. The inspection may be performed entirely from the top side of the floating roof, as long as there is visual access to all deck components (i.e., liquid-mounted seals, mechanical shoe seal); and
4. Any of the following conditions constitutes an inspection failure:
 - a. Stored liquid on the floating roof;
 - b. Holes or tears in the primary or secondary seal (if one is present);
 - c. Floating roof deck, deck fittings, or rim seals that are not functioning as designed, failure to comply with the operational requirements in permit condition 9.7;
 - d. Failure to comply with operational requirements in paragraph (4) of permit condition 9.7; and
 - e. Gaps of more than 0.32 centimeters (1/8 inch) between the deck fitting gasket, seal, or wiper (if required) and any surface that it is intended seal.
5. Conditions causing an inspection failure shall be repaired as follows:
 - a. If the inspection is performed while the storage vessel is not storing liquid, repairs shall be completed before the refilling of the storage vessel with liquid; and
 - b. If the inspection is performed while the storage vessel is storing liquid, repairs shall be completed or the vessel removed from service within 45 days. If a repair cannot be completed and the vessel cannot be emptied within 45 days, the owner or operator may use up to 2 extensions of up to 30 additional days each. Documentation of a decision to use an extension shall include a description of the failure, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions

that will ensure that the control equipment will be repaired or the vessel will be completely emptied as soon as practical.

9.11 Periodic external floating roof tank inspections

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR §§ 63.11087(c) and 63.11092(e)(2), after installing the external floating roof meeting the requirements of paragraph (3)(b) of permit condition 9.4, the owner or operator shall:

1. Determine the gap areas and maximum gap widths, between the primary seal and the wall of the storage vessel and between the secondary seal and the wall of the storage vessel according to the following frequency:
 - a. Measurements of gaps between the tank wall and the primary seal (seal gaps) shall be performed during the hydrostatic testing of the vessel or within 60 days of the initial fill with volatile organic liquids and at least once every 5 years thereafter;
 - b. Measurements of gaps between the tank wall and the secondary seal shall be performed within 60 days of the initial fill with volatile organic liquids and at least once per year thereafter;
 - c. If any vessel ceases to store volatile organic liquids for a period of 1 year or more, subsequent introduction of volatile organic liquids into the vessel shall be considered an initial fill for the purposes of paragraph (1)(a) and (1)(b);
2. Determine gap widths and areas in the primary and secondary seals individually by the following procedures:
 - a. Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports;
 - b. Measure seal gaps around the entire circumference of the tank in each place where a 0.32 centimeter diameter uniform probe passes freely (without forcing or binding against seal) between the seal and the wall of the storage vessel and measure the circumferential distance of each such location;
 - c. The total surface area of each gap described in paragraph (2)(b) shall be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance;
3. Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the respective standards in paragraph (4).
4. Make necessary repairs or empty the storage vessel within 45 days of identification in any inspection for seals not meeting the following requirements:
 - a. The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal shall not exceed 212 cubic centimeters per meter of tank diameter, and the width of any portion of any gap shall not exceed 3.81 centimeters. For mechanical shoes, one end of the mechanical shoe is to extend into the stored liquid and the other end is to extend a minimum vertical distance of 61 centimeters above the stored liquid surface. There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope;

- b. The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in paragraph (4)(c). The accumulated area of gaps between the tank wall and the secondary seal shall not exceed 21.2 cubic centimeters per meter of tank diameter and the width of any portion of any gap shall not exceed 1.27 centimeters. There are to be no holes, tears, or other openings in the seal or seal fabric;
 - c. If a failure that is detected during inspections required in paragraph (1) cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested. The extension request must include a demonstration of unavailability of alternate storage capacity and a specification of a schedule that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible;
 5. Notify the Secretary 30 days in advance of any gap measurements required by paragraph (1) to afford the Secretary the opportunity to have an observer present;
 6. Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.
 - a. If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this permit condition exist before filling or refilling the storage vessel with volatile organic liquids; and
 - b. For all the inspections required by paragraph (6), the owner or operator shall notify the Secretary in writing at least 30 days prior to the filling or refilling of each storage vessel to afford the Secretary the opportunity to inspect the storage vessel prior to refilling. If the inspection required by paragraph (6) is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Secretary at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Secretary at least 7 days prior to the refilling.

9.12 Periodic external floating roof tank inspection for other option

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11087(c) and 63.11092(e)(2), after installing the external floating roof meeting the requirements of paragraph (3)(c) of permit condition 9.4, the owner or operator shall inspect the external floating roof on the following schedule:

1. Within 90 days after the initial filling of the storage vessel, the primary and secondary rim seals shall be inspected as specified in permit condition 9.13;
2. The secondary seal shall be inspected at least once every year and the primary seal shall be inspected at least every 5 years, as specified in permit condition 9.13;
3. Each time the storage vessel is completely emptied and degassed, or every 10 years, whichever occurs first, the external floating roof shall be inspected by visually inspecting

the floating roof deck, deck fittings, and rim seal within the storage vessel. The inspection may be performed entirely from the top side of the floating roof, as long as there is a visual access to all deck components. Any of the following conditions constitutes inspection failure:

- a. Stored liquid on the floating roof;
 - b. Holes or tears in the primary or secondary seal (if one is present);
 - c. Floating roof deck, deck fittings, or rim seals that are not functioning as designed, failure to comply with the operational requirements in permit condition 9.7;
 - d. Failure to comply with operational requirements in paragraph (4) of permit condition 9.7; and
 - e. Gaps of more than 0.32 centimeters (1/8 inch) between the deck fitting gasket, seal, or wiper (if required) and any surface that it is intended seal.
4. If the owner or operator determines that it is unsafe to perform the floating roof inspections specified in paragraphs (1) and (2), the owner or operator shall comply with the following requirements:
- a. The inspections shall be performed no later than 30 days after the determination that the floating roof is unsafe.
 - b. The storage vessel shall be removed from liquid service no later than 45 days after determining the floating roof is unsafe. If the vessel cannot be emptied within 45 days, the owner or operator may utilize up to two extensions of up to 30 additional days each. If the vessel cannot be emptied within 45 days, the owner or operator may utilize up to two extensions of up to 30 additional days each. Documentation of a decision to use an extension shall include an explanation of why it was unsafe to perform the inspection, documentation that alternative storage capacity is unavailable, and a schedule of actions that will ensure that the vessel will be emptied as soon as practical.

9.13 External floating roof other option inspection procedures

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11092(e)(2), the owner or operator shall inspect an external floating roof meeting the requirements of paragraph (3)(c) of permit condition 9.4 as follows:

1. Seal gap inspections for external floating roofs shall determine the presence and size of gaps between the rim seals and the wall of the storage vessel. Rim seals shall be measured for gaps at one or more levels while the external floating roof is floating by the following procedures:
 - a. The inspector shall hold a 0.32 centimeter (1/8 inch) diameter probe vertically against the inside of the storage vessel wall, just above the rim seal, and attempt to slide the probe down between the seal and the vessel wall. Each location where the probe passes freely (without forcing or binding against the seal) between the seal and the vessel wall constitutes a gap;
 - b. The length of each gap shall be determined by inserting the probe into the gap (vertically) and sliding the probe along the vessel wall in each direction as far as it will travel freely without binding between the seal and the vessel wall. The circumferential length along which the probe can move freely is the gap length;

- c. The maximum width of each gap shall be determined by inserting probes of various diameters between the seal and the vessel wall. The smallest probe diameter should be 0.32 centimeter, and larger probes should have diameters in increments of 0.32 centimeter. The diameter of the largest probe that can be inserted freely anywhere along the length of the gap is the maximum gap width;
 - d. The average width of each gap shall be determined by averaging the minimum gap width (0.32 centimeter) and the maximum gap width;
 - e. The area of a gap is the product of the gap length and average gap width; and
 - f. The ratio of accumulated area of rim seal gaps to storage vessel diameter shall be determined by adding the area of each gap, and dividing the sum by the nominal diameter of the storage vessel. This ratio shall be determined separately for primary and secondary rim seals;
2. Any exceedance of the following gap requirements constitutes inspection failure:
 - a. The ratio of seal gap area to vessel diameter for the primary seal shall not exceed 212 square centimeters per meter of vessel diameter (10 square inches per foot of vessel diameter) and the maximum gap width shall not exceed 3.81 centimeters (1.5 inches);
 - b. The ratio of seal gap area to vessel diameter for the secondary seal shall not exceed 21.2 square centimeters per meter (1 square inch per foot), and the maximum gap width shall not exceed 1.27 centimeters (0.5 inches), except when the secondary seal must be pulled back or removed to inspect the primary seal; and
 3. Conditions causing an inspection failure shall be repaired as follows:
 - a. If the inspection is performed while the storage vessel is not storing liquid, repairs shall be completed before the refilling of the storage vessel with liquid; and
 - b. If the inspection is performed while the storage vessel is storing liquid, repairs shall be completed or the vessel removed from service within 45 days. If a repair cannot be completed and the vessel cannot be emptied within 45 days, the owner or operator may use up to 2 extensions of up to 30 additional days each. Documentation of a decision to use an extension shall include a description of the failure, shall document that alternate storage capacity is unavailable, and shall specify a schedule of actions that will ensure that the control equipment will be repaired or the vessel will be completely emptied as soon as practical.

9.14 Recordkeeping requirements for gasoline storage tanks

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR §§ 63.11087(e) and 63.11094(a), the owner or operator shall maintain the following records for internal or external floating roofs complying with paragraph (3)(a) or (3)(b) of permit condition 9.4:

1. Maintain a record of each inspection performed on an internal floating roof as required in permit condition 9.9. Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the internal floating roof (i.e., seals, fittings, internal floating roof);
2. Maintain a record of each gap measurement performed as required in permit condition 9.11. Each record shall identify the storage vessel in which the measurement was performed and contain the following:

- a. The date of measurement;
- b. The raw data obtained in the measurement;
- c. The calculations described in paragraph (2) and (3) of permit condition 9.11.

9.15 Recordkeeping requirements for gasoline storage tanks using other option

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR §§ 63.11087(e) and 63.11094(a), the owner or operator shall maintain the following records for internal or external floating roofs complying with paragraph (3)(c) of permit condition 9.4:

1. Maintain a record of the dimensions of the storage vessel, an analysis of the capacity of the storage vessel, and an identification of the liquid stored;
2. If a floating roof passes inspection, a record shall be maintained that includes an identification of the storage vessel that was inspected and the date of the inspection.
3. If the floating roof fails inspection, a record shall be maintained that includes the following:
 - a. Identification of the storage vessel that was inspected;
 - b. The date of the inspection;
 - c. A description of all inspection failures;
 - d. A description of all repairs and the dates they were made; and
 - e. The date the storage vessel was removed from service, if applicable;
4. A record shall be maintained of external floating roof seal gap measurements, including the raw data obtained and any calculations performed;
5. Maintain a record of the date when a floating roof is set on its legs or other support devices, the date when the roof was refloated, and indicate whether the process of refloating was continuous; and
6. If the owner or operator elects to use an extension in accordance with paragraph (5)(b) of permit condition 9.10, paragraph (4) of permit condition 9.12, or paragraph (3)(b) of permit condition 9.13, the documentation required by those paragraphs shall be maintained.

9.16 Recordkeeping requirements for equipment leaks

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR §§ 63.11089(g) and 63.11094(d), the owner or operator shall prepare and maintain a record describing the types, identification number, and locations of all equipment in gasoline service. If the owner or operator elects to implement an instrument program as part of the monthly leak inspection under permit condition 9.8, the record shall contain a full description of the program.

9.17 Log book requirements for leaks

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR §§ 63.11089(g) and 63.11094(e), the owner or operator shall maintain a log book that records the following for each leak that is detected during the monthly leak inspections required in permit condition 9.8:

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

3. The date the leak was detected and the date of each attempt to repair the leak;
4. Repair methods applied in each attempt to repair the leak;
5. "Repair delayed" and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak;
6. The expected date of successful repair of the leak if the leak is not repaired within 15 days; and
7. The date of successful repair of the leak.

9.18 Records for storage vessels with fixed roofs

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11087(e), if a storage vessel is meeting the requirements in paragraph (2) of permit condition 9.4, the owner or operator shall maintain a daily gasoline throughput, in gallons, for the storage vessel and a gallons per day throughput calculated by summing the current day's throughput, plus the throughput for the previous 364 days, and then dividing that sum by 365.

9.19 Continuous monitoring system for vapor combustion unit (Unit #4)

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11092(b)(1)(iii), the owner or operator shall install, calibrate, certify, operate, and maintain according to the manufacturer's specifications a continuous monitoring system while gas vapors are displaced to the vapor processor systems as specified below:

1. A continuous parameter monitoring system capable of measuring temperature shall be installed in the firebox or in the ductwork immediately downstream from the firebox in a position before any substantial heat exchange occurs; or
2. As an alternative to paragraph (1), the owner or operator may choose to meet the following requirements:
 - a. The presence of a thermal oxidation system pilot flame shall be monitored using a heat-sensing device, such as an ultraviolet beam sensor or a thermocouple, installed in proximity of the pilot light, to indicate the presence of a flame. The heat-sensing device shall send a positive parameter value to indicate the pilot flame is on, or a negative parameter value to indicate that the pilot flame is off; and
 - b. Develop and submit to the Secretary a monitoring and inspection plan that describes the owner or operator's approach for meeting the following requirements:
 - i. The thermal oxidation system shall be equipped to automatically prevent gasoline loading operations from beginning at any time that the pilot flame is absent;
 - ii. The owner or operator shall verify, during each day of operation of the loading rack, the proper operation of the assist-air blower and the vapor line valve. Verification shall be through visual observation, or through an automated alarm or shutdown system that monitors system operation. A manual or electronic record of the start and end of a shutdown event may be used;
 - iii. The owner or operator shall perform semiannual preventive maintenance inspections of the thermal oxidation system, including the automated alarm or shutdown system for those units so equipped, according to the recommendations of the manufacturer of the system;

- iv. The monitoring plan shall specify conditions that would be considered malfunctions of the thermal oxidation system during the inspections or automated monitoring performed under paragraphs (ii) and (iii), describe specific corrective actions that will be taken to correct any malfunction, and define what the owner or operator would consider to be a timely repair for each potential malfunction; and
- v. The owner or operator shall document any system malfunction, as defined in the monitoring and inspection plan, and any activation of the automated alarm or shutdown system with a written entry into a log book or other permanent form of record. Such record shall also include a description of the corrective action taken and whether such corrective actions were taken in a timely manner, as defined in the monitoring and inspection plan, as well as an estimate of the amount of gasoline loaded during the period of the malfunction.

9.20 Operating parameter value

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11092(b)(3) and (4) and (c), the owner or operator shall determine an operating parameter value (i.e., temperature) based on the parameter data monitored during the performance test required in permit condition 9.19, supplemented by engineering assessments and manufacturer's recommendations. The owner or operator shall submit the operating parameter value, monitoring frequency, and supporting documentation that sufficiently demonstrates continuous compliance with the emission limit in permit condition 9.2 to the Secretary for written approval. For additional performance tests, the owner or operator shall document the reasons for any change in the operating parameter value since the previous performance test.

9.21 Operating requirements

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11092(d), the owner or operator shall comply with the following:

1. Operate the vapor processing system in a manner not to exceed or not to go below, as appropriate, the operating parameter value established in permit condition 9.20;
2. Operation of the vapor processing system in a manner exceeding or going below the operating parameter value, as appropriate, shall constitute a violation of the emission standard in permit condition 9.2, except as specified in paragraph (3); and
3. For the monitoring and inspection, as required under paragraph (2)(b) in permit condition 9.19, malfunctions that are discovered shall not constitute a violation of the emission standard in permit condition 9.2 if corrective actions as described in the monitoring and inspection plan are followed. The owner or operator must:
 - a. Initiate corrective action to determine the cause of the problem within 1 hour;
 - b. Initiate corrective action to fix the problem within 24 hours;
 - c. Complete all corrective actions needed to fix the problem as soon as practicable consistent with good air pollution control practices for minimizing emissions;
 - d. Minimize periods of startup, shutdown, or malfunction; and
 - e. Take any necessary corrective actions to restore normal operation and prevent the recurrence of the cause of the problem.

9.22 Annual certification test for gasoline cargo tanks

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11092(f), an annual certification test for gasoline cargo tanks shall be conducted and follow the procedures outlined in 40 CFR Part 60 Appendix A-8, Method 27. The test shall be conducted using a time period (t) for the pressure and vacuum tests of 5 minutes. The initial pressure (P_i) for the pressure test shall be 460 millimeters (mm) of water (18 inches of water), gauge. The initial vacuum (V_i) for the vacuum test shall be 150 mm of water (6 inches of water), gauge. The maximum allowable pressure and vacuum changes (Δp , Δv) for all affected gasoline cargo tanks is 3 inches of water, or less, in 5 minutes.

9.23 Records of test results

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11094(b), the owner or operator shall maintain records of the tests results for each gasoline cargo tank loading at the facility as specified below:

1. Annual certification testing performed in accordance with permit condition 9.22; and
2. The documentation file shall be kept up-to-date for each gasoline cargo tank loading at the facility. The documentation for each test shall include, as a minimum, the following information:
 - a. Name of test: Annual Certification Test—Method 27 or Periodic Railcar Bubble Leak Test Procedure;
 - b. Cargo tank owner's name and address;
 - c. Cargo tank identification number;
 - d. Test location and date;
 - e. Tester name and signature;
 - f. Witnessing inspector, if any: Name, signature, and affiliation;
 - g. Vapor tightness repair: Nature of repair work and when performed in relation to vapor tightness testing; and
 - h. Test results: Test pressure; pressure or vacuum change, mm of water; time period of test; number of leaks found with instrument; and leak definition.

9.24 Alternative records of test results

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11094(c), as an alternative to keeping records at the terminal of each gasoline cargo tank test result as required in permit condition 9.23, an owner or operator may comply with one of the following recordkeeping methods:

9.25 Continuous monitoring and other records

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11094(f), the owner or operator shall maintain the following records:

1. Keep an up-to-date, readily accessible record of the continuous monitoring data required in permit condition 9.9, 9.19, and 9.20. The records shall indicate the time intervals during which loadings of gasoline cargo tanks have occurred or, alternatively, shall

record the operating parameter data only during such loadings. The date and time of day shall also be indicated at reasonable intervals on this record; or

2. Record all data and calculations, engineering assessments, and manufacturer's recommendations used in determining the operating parameter value in permit condition 9.20;
3. Keep an up-to-date, readily accessible copy of the monitoring and inspection plan required in permit condition 9.19; and
4. Keep an up-to-date, readily accessible record of all system malfunctions, as specified in permit condition 9.19.

9.26 Records of malfunctions

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR § 63.11094(g), the owner or operator shall maintain the following records:

1. Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the vapor combustion unit and associated monitoring equipment; and
2. Records of actions taken during periods of malfunction to minimize emissions in accordance with permit condition 6.7, including corrective actions to restore malfunctioning process and the vapor combustion unit and associated monitoring equipment to its normal or usual manner of operation.

9.27 Semiannual compliance report

In accordance with ARSD 74:36:08:106, as referenced to 40 CFR §§ 63.11087(e), 63.11089(g) and 63.11095(a), (b), and (d), the owner or operator shall submit a semiannual report to the Secretary that contains the following information:

1. For a storage vessel complying with paragraph (3)(a) or (3)(b) of permit condition 9.4, the following information shall be included in the semiannual report:
 - a. A description of the floating roof and a certification the internal floating roof or external floating roof meets the specification requirements in permit condition 9.5 or 9.6, respectively;
 - b. If the annual visual inspection of an internal floating roof is conducted during the reporting period and a failure as described in paragraph (2) of permit condition 9.9 occurs, the report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made;
 - c. If a seal gap measurement required by paragraph (1) of permit condition 9.11 occurs during the reporting period, the owner or operator shall furnish the date of measurement, the raw data obtained in the measurement, and the calculations described in paragraph (2) and (3) of permit condition 9.11;
 - d. If the seal gap measurement required in paragraph (1) of permit condition 9.11 exceeds the limitations in paragraph (4) of permit condition 9.11, the report shall identify the vessel, the information in paragraph (1)(c), and the date the vessel was emptied or the repairs made, and date of repairs;

2. For a storage vessel complying with paragraph (3)(c) of permit condition 9.4, if an inspection occurs during the reporting period and if it results in an inspection failure, the information required in paragraph (2) of permit condition 9.15;
3. For each equipment leak inspection, the number of equipment leaks not repaired within 15 days after detection and the following information:
 - a. The date on which the leak was detected;
 - b. The date of each attempt to repair the leak;
 - c. The reasons for the delay of repair; and
 - d. The date of successful repair;
4. For storage vessels complying with Chapter 9.0 after January 10, 2011, as allowed in permit condition 9.1, the storage vessel's Notice of Compliance Status information can be included in the semiannual report in lieu of filing a separate Notification of Compliance Status report;
5. Each instance of a non-vapor-tight gasoline cargo tank loading at the facility in which the owner or operator failed to take steps to assure that such cargo tank would not be reloaded at the facility before vapor tightness documentation for that cargo tank was obtained;
6. Each reloading of a non-vapor-tight gasoline cargo tank at the facility before vapor tightness documentation for that cargo tank is obtained by the facility in accordance with permit condition 9.23;
7. Each exceedance or failure to maintain, as appropriate, the monitored operating parameter value determined in permit condition 9.1. The report shall include the monitoring data for the days on which exceedances or failures to maintain have occurred, and a description and timing of the steps taken to repair or perform maintenance on the vapor collection and processing systems or the continuous monitoring system;
8. Each instance in which malfunctions discovered during the monitoring and inspections required under permit condition 9.19 were not resolved according to the necessary corrective actions described in the monitoring and inspection plan. The report shall include a description of the malfunction and the timing of the steps taken to correct the malfunction; and
9. The number, duration, and a brief description of each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limit to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction to minimize emissions in accordance with permit condition 6.7, including actions taken to correct a malfunction.

The semiannual report shall be postmarked no later than the 30th day following the end of each semiannual period (January 30th and July 30th).