

**Webber Tanks, Inc.
Hancock County
Bucksport, Maine
A-161-71-D-N (SM)**

**Departmental
Findings of Fact and Order
Air Emission License
After-the-Fact**

After review of the air emissions license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

The Air Emission License for Webber Tanks, Inc. (Webber) located in Bucksport, Maine expired on August 17, 2005. Webber submitted an application to renew their expired license permitting the operation of emission sources associated with their bulk gasoline terminal on December 19, 2005.

B. Emission Equipment

The following equipment is addressed in this air emission license:

Petroleum Storage

<u>Tank</u>	<u>Capacity (MM Gallons)</u>	<u>Current Product Stored</u>	<u>Roof Type</u>	<u>Date Installed</u>
#1	6.2	Diesel / #2 Fuel Oil / K-1	Fixed	1949
#2	5.0	Jet Fuel	Fixed	1952
#3	2.3	Gasoline	Internal Floating	1954
#4	4.0	Gasoline	Internal Floating	1954
#5	2.3	Diesel / #2 Fuel Oil / K-1	Internal Floating	1954
#6	6.2	Diesel / #2 Fuel Oil / K-1	Fixed	1959
#7	6.2	Diesel / #2 Fuel Oil / K-1	Fixed	1959

Process Equipment

<u>Equipment</u>	<u>Pollution Control Equipment</u>
Loading Rack	McGill Vapor Recovery Unit

C. Application Classification

The previous air emission license for Webber expired on August 17, 2005. A complete application was not submitted on time, therefore Webber is considered to be an existing source applying for an after-the-fact renewal. The Department has determined the facility is a minor source and the application has been processed through Chapter 115 of the Department's regulations.

II. BEST PRACTICAL TREATMENT (BPT)

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Chapter 100 of the Department regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for an after-the-fact renewal requires an analysis similar to a Best Available Control Technology analysis per Chapter 115 of the Department's regulations.

B. Vapor Recovery Unit

Webber operates a truck loading rack equipped with bottom loading and controlled by a McGill Carbon Adsorption/Absorption Vapor Recovery Unit. The vapor recovery unit is rated at 35 milligrams of VOC per liter of product transferred. Webber shall conduct annual compliance tests to demonstrate that the vapor recovery unit is meeting the required collection efficiency.

C. Distillate Storage Tanks

Webber currently operates four tanks with fixed roofs capable of storing petroleum products. Each of these tanks varies in size and throughput depending on the demand for distillates throughout the year.

D. Gasoline Storage Tanks

Webber operates three tanks with internal floating roofs capable of storing gasoline. Currently Tank #5 is used to store Kerosene or Diesel but may be used to store gasoline in the future. Tanks #3, 4, & 5 shall be equipped, maintained and operated such that:

1. there is an internal floating roof with closure seal(s) between the roof edge and the tank wall and these are maintained so as to prevent vapor leakage,
2. the internal floating roof and the closure seal(s) will be maintained such that there are no holes, tears, or other openings in the seal or between the seal and the floating roof,

3. all storage tank openings, except stub drains, are equipped with covers, lids or seals which remain closed at all times,
4. all automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports,
5. all rim vents, if provided, are to be set to open only when the roof is being floated off the leg supports or at the manufacturers recommended setting,
6. if any holes, tears, or other openings are present the source shall make repairs as soon as practical, but no later than 15 calendar days with the first attempt at repair to be made no later than 5 days from the initial detection of the leak.

E. NSPS

Tanks #1 – 7 were all installed prior to 1973 and are therefore not subject to EPA New Source Performance Standards (NSPS) Subpart K, Ka, and Kb for Storage Vessels for Petroleum Liquids manufactured after June 11, 1973, with capacities greater than 40,000 gallons.

F. Annual Emissions

Webber shall be restricted to the following annual emissions, based on a 12 month rolling total:

**Total Licensed Annual Emission for the Facility
Tons/year
(used to calculate the annual license fee)**

	VOC	Total HAP
Process Emissions	49.9	9.9
Total TPY	49.9	9.9

III.AMBIENT AIR QUALITY ANALYSIS

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a renewal source shall be determined on a case-by case basis. Modeling and monitoring are not required for a renewal if the total emissions of any pollutant released do not exceed the following:

<u>Pollutant</u>	<u>Tons/Year</u>
PM	25
PM ₁₀	25
SO ₂	50
NO _x	100
CO	250

Based on the above total facility emissions, Webber is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-161-71-D-N subject to the following conditions.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples,

- conducting inspections, or examining and copying records relating to emissions (Title 38 MRSA §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115. [MEDEP Chapter 115]
 - (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [MEDEP Chapter 115]
 - (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [MEDEP Chapter 115]
 - (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S.A. §353. [MEDEP Chapter 115]
 - (6) The license does not convey any property rights of any sort, or any exclusive privilege. [MEDEP Chapter 115]
 - (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [MEDEP Chapter 115]
 - (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [MEDEP Chapter 115]
 - (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [MEDEP Chapter 115]
 - (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been

necessary in order to maintain compliance with the conditions of the air emission license. [MEDEP Chapter 115]

(11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:

- A. perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - 1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - 2. pursuant to any other requirement of this license to perform stack testing.
- B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
- C. submit a written report to the Department within thirty (30) days from date of test completion.

[MEDEP Chapter 115]

(12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:

- A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
- B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
- C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[MEDEP Chapter 115]

- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [MEDEP Chapter 115]
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [MEDEP Chapter 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [MEDEP Chapter 115]

SPECIFIC CONDITIONS

(16) Loading Racks and Vapor Recovery Unit

- A. The bulk terminal shall be equipped with and maintained with a vapor recovery unit that captures displaced VOC vapors whenever gasoline is being transferred to a tank truck at each loading rack. [MEDEP Chapter 115, BPT]
- B. All loading and vapor lines shall be equipped and maintained in good working order such that vapor tight fittings close automatically when disconnected and the pressure in the vapor collection system shall not be allowed to exceed +18 inches of water or a vacuum exceeding -6 inches of water. [MEDEP Chapter 115, BPT]
- C. Gasoline loading shall be allowed only into tank trucks and trailers that have been properly certified pursuant to 40 CFR Appendix A, Method 27 and maintained and labeled as vapor-tight in accordance with Maine Air Regulations Chapter 120. [MEDEP Chapter 112]
- D. Any tank truck carrying gasoline or which has carried gasoline as the most recent previous load shall utilize the vapor collection system during the entire loading process. [MEDEP Chapter 115, BPT]

- E. Leaks greater than 100% of the lower explosive limit (LEL) obtained within one inch around any potential leak source of the tank truck, including all loading couplings, vapor lines and fittings employed in the transfer of gasoline, are prohibited. [MEDEP Chapter 115, BPT]
- F. VOC emissions from the vapor recovery unit shall not exceed 35 milligrams per liter of product transferred. Compliance with this limit shall be determined by methods promulgated in 40 CFR Part 60.503 or other methods approved by the Department. [MEDEP Chapter 112]
- G. Webber shall conduct an annual compliance test of the vapor recovery unit prior to May 15th of each year. A report containing the test results shall be submitted to the Department within 30 days of the completion of test in accordance with the Department's stack test protocol. [MEDEP Chapter 115, BPT]
- H. Webber shall conduct a leak inspection of all equipment at the loading racks and around the vapor recovery unit utilizing sight, sound, and smell at a minimum of once per month. All leaks must be repaired as quickly as possible, but within 15 calendar days, with the first attempt at repair made no later than 5 days from the initial detection of the leak. [MEDEP Chapter 115, BPT]
- I. Webber shall maintain an inspection log documenting routine leak inspections to include date of detection, nature of the leak and detection method, date of repair attempts and methods used, details of any delays in repairs, and the final date of repair. Webber shall make these records available for inspection by the Department. [MEDEP Chapter 115, BPT]

(17) Annual Emission Limit

- A. Webber shall be limited to an annual facility VOC emission limit of 49.9 tons per calendar year as obtained per Condition (20). [MEDEP Chapter 115, BPT]
- B. Webber shall be limited to an annual facility HAP emission limit of 9.9 tons of total HAPS per calendar year as obtained per Condition (20). [MEDEP Chapter 115, BPT]

(18) Distillate Storage Tanks

- A. Webber shall conduct routine inspections of all distillate storage tanks at a minimum of once every month around the perimeter of the tank and roof. [MEDEP Chapter 115, BPT]

B. The following records shall be maintained at the source and available for inspection by the Department [MEDEP Chapter 115, BPT]:

1. inspection log documenting any detected leaks, holes, tears, or other opening and the corrective action taken, and
2. monthly throughput specifying quantity and types of volatile petroleum liquids in each tank and the period of storage.

(19) Gasoline Storage Tanks

A. Tanks #3 and #4 shall be equipped, maintained and operated such that:

1. there is an internal floating roof with closure seal(s) between the roof edge and the tank wall and these are maintained so as to prevent vapor leakage, [MEDEP Chapter 111]
2. the internal floating roof and the closure seal(s) will be maintained such that there are no holes, tears, or other openings in the seal or between the seal and the floating roof, [MEDEP Chapter 111]
3. all storage tank openings, except stub drains, are equipped with covers, lids or seals which remain closed at all times, [MEDEP Chapter 111]
4. all automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports, [MEDEP Chapter 111]
5. all rim vents, if provided, are to be set to open only when the roof is being floated off the leg supports or at the manufacturers recommended setting, [MEDEP Chapter 111]
6. if any holes, tears, or other openings are present the source shall make repairs as soon as practical, but no later than 15 calendar days with the first attempt at repair to be made no later than 5 days from the initial detection of the leak. [MEDEP Chapter 115, BPT]

B. Webber shall comply with the following source inspection requirements [MEDEP Chapter 111]:

1. routine inspection of floating roofs are conducted through roof hatches once every month, and
2. a complete inspection of the cover and seal is to be performed at least once every ten years and each time the tank is emptied and degassed. These inspections shall be conducted by visually inspecting the floating roof deck, deck fittings and rim seals.

- C. The following records shall be maintained at the source and available for inspection by the Department:
1. inspection log documenting routine monthly inspections of floating roof covers and seals, [MEDEP Chapter 111]
 2. inspection log documenting LEL readings to be done a minimum of every six months with the inspection of the floating roof covers and seals, which shall include explanation of any excessive increases in LEL readings as compared to normal operating conditions, [MEDEP Chapter 115, BPT]
 3. inspection log documenting all complete inspections of cover and seal to be performed whenever tank is emptied and degassed, at a minimum of once every ten years, [MEDEP Chapter 111]
 4. inspection log documenting any detected leaks, holes, tears, or other openings and the corrective action taken, [MEDEP Chapter 115, BPT]
 5. monthly throughput specifying quantity and types of volatile petroleum liquids in each tank and the period of storage, and [MEDEP Chapter 111]
 6. average monthly product storage temperatures and maximum true vapor pressures or Reid vapor pressures of volatile petroleum liquids. [MEDEP Chapter 111]
- (20) **Recordkeeping**
- A. Records shall be maintained showing the average annual information for each of the petroleum storage tanks in order to calculate annual VOC emissions [MEDEP Chapter 115, BPT]:
1. quantity and type of petroleum liquid stored in each tank,
 2. Reid vapor pressure,
 3. maximum true vapor pressure,
 4. average storage temperature,
 5. average throughput in each tank,
 6. tank emissions calculated using EPA TANKS program or an alternative approved by the Department,
 7. tank truck emissions assuming 1.3% of the vapors are displaced during loading (based on assumed capture efficiency of 98.7% as given in 40 CFR Part 63, Subpart R) and,
 8. HAP speciation data as given by the American Petroleum Institute (API) or other speciation data as obtained by a supplier.
- B. Webber shall calculate and record the annual total facility VOC and HAP emissions (tons) from the loading racks, storage tanks, and fugitive sources (i.e. pumps, valves, flanges). [MEDEP Chapter 115, BPT]

- C. Webber shall maintain records of all monthly inspections and leak inspections of all equipment utilizing sight, smell, and sound. [MEDEP Chapter 115, BPT]
- (21) Webber shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (38 MRSA §605).
- (22) **Annual Emission Statement**
In accordance with MEDEP Chapter 137, the licensee shall annually report to the Department the information necessary to accurately update the State's emission inventory by means of:
- 1) A computer program and accompanying instructions supplied by the Department;
or
 - 2) A written emission statement containing the information required in MEDEP Chapter 137.

Reports and questions should be directed to:

Attn: Criteria Emission Inventory Coordinator
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Phone: (207) 287-2437

The emission statement must be submitted by July 1 or as otherwise specified in Chapter 137.

- (23) **Air Toxics Emission Statement**
If Webber exceeds the thresholds for HAPs listed in Appendix A of MEDEP Chapter 137 in an inventory year, in accordance with MEDEP Chapter 137 the licensee shall report, no later than July 1 every three years (2005, 2008, 2011, etc.) or as otherwise stated in Chapter 137, the information necessary to accurately update the State's toxic air pollutants emission inventory by means of a written emission statement containing the information required in MEDEP Chapter 137.

**Webber Tanks, Inc.
Hancock County
Bucksport, Maine
A-161-71-D-N**

12

**Departmental
Findings of Fact and Order
Air Emission License
After-the-Fact**

Reports and questions on the Air Toxics emissions inventory portion should be directed to:

Attn: Toxics Inventory Coordinator
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Phone: (207) 287-2437

(24) Payment of Annual License Fee

Webber shall pay the annual air emission license fee within 30 days of October 31st of each year. Pursuant to 38 MRSA §353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 MRSA §341-D, subsection 3.

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 12/19/05

Date of application acceptance: 1/10/06

Date filed with the Board of Environmental Protection: _____

This Order prepared by Lynn Ross, Bureau of Air Quality.