



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

**Gulf Oil Limited Partnership –  
Bangor Terminal  
Penobscot County  
Hampden, Maine  
A-189-71-E-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., §344 and §590, the Department finds the following facts:

**I. REGISTRATION**

**A. Introduction**

1. The Air Emission License for Gulf Oil Limited Partnership – Bangor Terminal (Gulf Oil), expired on 9 May 2010. Gulf Oil has applied to renew their expired license permitting the operation of emission sources associated with their bulk storage and distribution facility.
2. The equipment addressed in this license is located at 809 Main Road North, Hampden, ME.
3. The Gulf Oil Bangor Terminal is currently not in operation, and has not operated for several years; Gulf Oil wishes to maintain the ability to operate this bulk storage and distribution facility in the future by maintaining a current Air Emission License.

**B. Emission Equipment**

The following equipment is addressed in this air emission license:

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04679-2094  
(207) 764-0477 FAX: (207) 760-3143

**Bulk Storage Equipment**

<u>Tank Number</u>	<u>Maximum Capacity (Gallons)</u>	<u>Product Stored</u>	<u>Roof Type</u>
2	1,058,904	Distillate	Fixed
3	557,340	Distillate/Gasoline	Floating
4	412,188	Gasoline	Floating
6	845,502	Distillate	Fixed

Note: Tanks 3 and 4, each equipped with a floating roof, are capable of storing gasoline or distillate products.

**Process Equipment**

<u>Equipment</u>	<u>Pollution Control Equipment</u>
Truck Loading Rack	None*
Vessel Loading Rack	None*
Tanker Trucks (owned independently)	None*

\* The Process Equipment is not currently in operation; should this equipment become operational, Gulf Oil shall be required to install, operate and maintain control equipment once the throughput threshold value specified in this license has been triggered.

C. Application Classification

The previous air emission license for Gulf Oil expired on May 9, 2010. A complete application was not submitted on time, therefore Gulf Oil 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 *Major and Minor Source Air Emission License Regulations*, 06-096 CMR 115. Gulf Oil has accepted a federally enforceable restriction on total facility emissions of 49.9 tons per year of VOC, therefore it is considered a synthetic minor.

## **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 *Definitions Regulation*, 06-096 CMR 100 (as amended). 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 06-096 CMR 115 (2)(N).

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

### **B. Truck Loading Rack and Vessel Loading Dock**

The Truck Loading Rack and the Vessel Loading Dock is not currently in use as the facility is not operating. Gulf Oil has requested an after-the-fact renewal of its license to continue the license to allow for future operations.

The gasoline loading operation at Gulf Oil may be subject to the requirements of 06-096 CMR 112 and/or 133. These Chapters regulate the installation and operation of control equipment and the procedure for petroleum liquid transfer to tank trucks and marine vessels. Gulf Oil may resume operation of its Bangor facility and transfer up to 3 million gallons of liquid petroleum product (distillate or gasoline) without additional control on their loading rack. To transfer product above the 3 million gallon threshold, Gulf Oil shall amend their license, install and operate control equipment on the loading rack and address all applicable state and federal requirements.

The 3 million gallon limit is a cumulative, one-time limit, based on a switch-loading study conducted by the Department that developed a factor for VOC loss per 1000 gallons of liquid (gasoline) loaded without the use of control equipment.

Gulf Oil shall begin tracking product transferred toward the 3 million gallon limit from the signature date of this license forward.

C. Petroleum Storage Tanks

Gulf Oil operates two fixed-roof storage tanks (Tanks #2 and #6) capable of storing distillate fuels. The tanks have capacities of 1,058,904 gallons and 845,502 gallons respectively. Tank throughput will vary depending on the demand for distillates throughout the year.

Gulf Oil operates two floating-roof storage tanks (Tanks #3 and #4) capable of storing gasoline. The tanks have capacities of 557,340 gallons and 412,188 gallons respectively. Currently there is no gasoline stored at Gulf Oil's Bangor facility, however Tanks #3 and #4 are capable of storing gasoline if necessary. In the interim, Gulf Oil may require the capacity of these tanks for the storage of distillates as needed. Tanks #3 and #4 may be operated as swing tanks depending on demand. Whether the tanks are kept empty, store gasoline or are swing loaded, Gulf Oil shall insure each tank is operated and maintained according to the requirements of this Order.

EPA's New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart Kb promulgates Standards of Performance for Volatile Organic Liquid Storage Tanks for Which Construction, Reconstruction or Modification Commenced After July 23, 1984. Tanks with capacities greater than 39,889 gallons and storing a liquid with a maximum true vapor pressure less than 3.5 kPa are exempt from the provisions of this subpart. Thus Tanks #2 and #6 are not subject to Subpart Kb. Gulf Oil shall keep readily available records showing the dimensions of these fuel storage tanks and analyses showing the capacities of the storage vessels. These records shall be kept for the life of the tanks. Tanks #3 and #4 are subject to standards of Subpart Kb.

At such time this facility is brought back into service, Gulf Oil shall comply with all requirements of 40 CFR Part 63, BBBBBB, *National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities*, including initial notification, record keeping and reporting requirements.

Tanks #2 and #6 are not subject to New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984*, however Tanks #2 and #6 are subject, when brought back into service, to National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 63 Subpart BBBBBB, *National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities*.

Tanks #3 and #4 are subject to New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984*, and are also subject, when brought back into service, to National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 63 Subpart BBBBBB, *National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities*. However, 40 CFR Part 63 Subpart BBBBBB states: “if your gasoline storage tank is subject to, and complies with, the control requirement of 40 CFR Part 60 Subpart Kb of this chapter, your storage tank will be deemed in compliance with this section. You must report this determination in the Notification of Compliance Status report under 63.11093(b).”

D. Tank Trucks

06-096 CMR 112 (3)(A) prohibits the owner or operator of a bulk gasoline terminal from loading gasoline into any tank truck or trailer unless the tank truck or trailer has been certified within the last 12 months as vapor-tight pursuant to 06-096 CMR 120.

06-096 CMR 120 requires all tank trucks that transport and receive gasoline from a bulk gasoline terminal and/or plant be maintained leak-tight and tested and certified annually. Tank trucks used in the gasoline transfer operation at Gulf Oil, whether owned by Gulf Oil or owned independently, shall meet the requirements of 06-096 CMR 120 (as amended).

E. Annual Emissions

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

**Total Licensed Annual Emissions for the Facility**  
**Tons per year**  
(Used to calculate the annual license fee)

Pollutant	Tons per year
VOC	49.9

**III. AMBIENT AIR QUALITY ANALYSIS**

According to 06-096 CMR 115, the level of air quality analyses required for a minor after-the-fact renewal source shall be determined on a case-by case basis. Because the facility is not transferring gasoline at this time, the potential to emit the criteria pollutants in minimal, modeling and monitoring are not required for this renewal.

**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-189-71-E-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 (38 M.R.S.A. §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. [06-096 CMR 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. [06-096 CMR 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. [06-096 CMR 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. [06-096 CMR 115]
- (6) The license does not convey any property rights of any sort, or any exclusive privilege. [06-096 CMR 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. [06-096 CMR 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. [06-096 CMR 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. [06-096 CMR 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. [06-096 CMR 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.
- [06-096 CMR 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.

[06-096 CMR 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. [06-096 CMR 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. [06-096 CMR 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. [06-096 CMR 115]

## SPECIFIC CONDITIONS

### (16) Loading Rack

- A. Gulf Oil is permitted to restart operations at its Bangor facility and to transfer up to 3 million gallons of petroleum product (gasoline and distillate oil.) Compliance shall be demonstrated by dated throughput records indicating petroleum throughput at the facility. The 3 million gallon limit is a cumulative, one-time limit. Gulf Oil shall begin tracking product transferred toward the 3 million gallon limit from the signature date of this license forward. [06-096 CMR 115, BPT]
- B. To transfer product in excess of the 3 million gallon throughput threshold, the bulk terminal shall be equipped with a vapor control unit that captures and controls displaced VOC vapors whenever petroleum product is being transferred to a tank truck at each load rack. The control equipment shall meet an emission control level of 10 ppm per liter transferred and the requirements of 06-096 CMR 133 (as amended). Gulf Oil shall amend its license to add the control equipment. The equipment shall be licensed, installed and operations prior to the facility exceeding 3 million gallons of product transferred. [06-096 CMR 115, BPT; 06-096 CMR 133]
- C. Gulf Oil shall not emit more than 49.9 tons per year of VOC on a 12-month rolling total basis. Compliance shall be demonstrated by throughput records and emissions calculated using the TANKS program or other program approved by the Department. [06-096 CMR 115, BPT]
- D. 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 06-096 CMR 120 (as amended). [06-096 CMR 112]
- E. 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. [06-096 CMR 115, BPT]
- F. Gulf Oil shall conduct a compliance test of the vapor control unit within thirty (30) days from exceeding the 3 million gallon throughput threshold. After that time, Gulf Oil shall conduct an annual compliance test of the vapor control unit prior to May 15<sup>th</sup> of each year. A report containing the test results shall be submitted to the Department within thirty (30) days of the completion of testing in accordance with the Department's stack test protocol. [06-096 CMR 115, BPT]

- G. Gulf Oil shall conduct a leak inspection of all equipment at the loading racks, utilizing sight, sound and smell, at a minimum of once per month. All leaks must be repaired as quickly as possible, but within fifteen (15) calendar days, with the first attempt at repair made no later than five (5) days from the initial detection of the leak. [06-096 CMR 115, BPT]
- H. Gulf Oil shall maintain an inspection log documenting routine leak inspections to include date of detection, nature of the leak and detection method, dates of repair attempts and methods used, details of any delays in repairs and the final date of repair. Gulf Oil shall make these records available for inspection by the Department. [06-096 CMR 133, 06-096 CMR 115, BPT]

**(17) Petroleum Storage Tanks**

- A. Gulf Oil shall keep readily available records showing the dimensions of these fuel storage tanks and analyses showing the capacities of the storage vessels. These records shall be kept for the life of the tanks. [40 CFR 60 Subpart Kb]
- B. Gulf Oil shall meet the requirements of 40 CFR 60 Subpart Kb and 40 CFR 63 Subpart BBBB for Tanks #3 and #4 when brought back into service. [40 CFR 60 Subpart Kb, 40 CFR 63 Subpart BBBB]
- C. Gulf Oil shall meet the requirements of 40 CFR 63 Subpart BBBB for Tanks #2 and #6 when brought back into service. [40 CFR 63 Subpart BBBB]

**(18) Facility VOC Limit**

Gulf Oil shall not emit more than 49.9 tons per year of VOC, on a 12-month rolling total basis. Compliance with this limit shall be demonstrated through the use of a Department-approved tank emission program, such as a recent version of TANKS, and total annual throughput records of the facility. [06-096 CMR 101]

**(19) Fugitive Emissions**

Visible emissions from a fugitive emission source (including stockpiles and roadways) shall not exceed 20 percent opacity, except for no more than five (5) minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual fifteen (15)-second opacity observations which exceed 20 percent in any one (1) hour. [06-096 CMR 101]

Gulf Oil Limited Partnership –  
Bangor Terminal  
Penobscot County  
Hampden, Maine  
A-189-71-E-N

12

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

(20) **Annual Emission Statement**

In accordance with *Emission Statements*, 06-096 CMR 137 (as amended), 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 06-096 CMR 137.

The emission statement must be submitted as specified by the date in 06-096 CMR 137.

- (21) Gulf Oil 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 M.R.S.A. §605).

DONE AND DATED IN AUGUSTA, MAINE THIS 7<sup>th</sup> DAY OF October, 2011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Melanie L. Bzdek  
PATRICIA WAHO, 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: 7/28/2010

Date of application acceptance: 7/29/2010

Date filed with the Board of Environmental Protection:

This Order prepared by N. Lynn Cornfield, Bureau of Air Quality.

