FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

Sent by Electronic mail – Received Receipt Requested

Jean Zerinque, Vice President, Gulf Coast Region
NuStar Terminals Operations Partnership
6531 Evergreen Avenue
Jacksonville, Florida 32208-4911

Re: 40 CFR Subpart XX Alternative Testing
Reduced Sample Run Time and Volume
NuStar Jacksonville Terminal
Facility ID No. 0310028: 13-Y-AP

Dear Mr. Zerinque:

The Office of Permitting and Compliance received TRC Environmental Corporation's request on behalf of NuStar Terminals Operations Partnership seeking approval for a compliance test sampling procedure to be the loading of 100,000 liters of product over 24-hours in lieu of 300,000 liters over 6 hours as required by 40 CFR Part 60 Subpart XX.

The facility is a petroleum and non-petroleum products warehouse and storage terminal facility. Operations include storage tanks, tank truck loading, rail car loading and unloading, tanker ship loading and unloading, barge loading and unloading, and other handling and transfer operations of petroleum products. The facility has four product loading operations: Loading Rack Operation - Annex I; Loading Rack Operation - Annex II; Marine Loading Operation; and, Loading Rack Operation - Main Terminal. This alternate procedure request is for Loading Rack Operation - Main Terminal, Emissions Unit I.D. 037. This loading rack loads distillate and/or residual oil into tanker trucks and is subject to the requirements of40 CFR 63, Subpart BBBBBB, National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities because it loads product into tank trucks whose previous load was gasoline. Subpart BBBBBB requires compliance with a limit of 35 milligrams (mg) of total organic compounds (TOC) per liter (l) of gasoline loaded (35 mg TOC/l) which shall be demonstrated according to the test method specified in 40 CFR 60.503. This rule citation is from 40 CFR 60, Subpart XX, Standards of Performance for Bulk Gasoline Terminals. 40 CFR 60.503 requires the performance test shall be 6 hours long during which at least 300,000 liters of gasoline is loaded and Method 25A or 25B shall be used for determining the TOC concentration.

NuStar Jacksonville Terminal is required to conduct performance testing on EU-037, Loading Rack Operation - Main Terminal. However, should the facility wish to deviate from the testing requirements set forth in §60.503 the state is the delegated implementation and enforcement authority. Since this loading rack does not load gasoline and the number of tank trucks previously containing gasoline number between 2 and 15 per week, which the facility has no control over, the emissions unit is not capable of meeting the testing requirement of 6 hours long during which at least 300,000 liters of gasoline is loaded. The facility proposes a test requirement of 100,000 liters of product over 24-hours. This will yield a representative sample of sufficient volume to complete the required Method 25A or 25B tests to show compliance with the 35 mg TOC/l standard. NuStar Jacksonville Terminal also requested a test frequency of once every five years (prior to permit renewal).

The Department agrees that it would be practically impossible for the facility to comply with a test requirement of 6 hours long during which at least 300,000 liters of gasoline is loaded for EU-037, Loading Rack Operation - Main Terminal, and approves the request for 100,000 liters of product over 24-hours provided the sample is representative of the operation and is adequate to conduct the Method 25A or 25B test. The test frequency of once every 5 years is a rule requirement for sources under 100 tons per year and does not require an alternate procedure approval..

Please call Edward Svec at 850/717-9031 if you have any questions regarding this determination.

The Department's proposed agency action shall become final unless a petition for an administrative hearing is timely under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition set forth below. On the filing of a timely petition, this action will not be final and effective until further order of the Department or the petition has been dismissed or withdrawn. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even reversal of the agency action.

A person whose substantial interests are affected by the proposed decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by any other person must be filed within 14 days of receipt of this proposed action. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. A petition for administrative hearing must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, Agency.Clerk@dep.state.fl.us, before the deadline.

The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, any email address, telephone number and any facsimile number of the petitioner; the name, address, any email address, telephone number, and any facsimile number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Once this decision becomes final, any party to this order has the right to seek judicial review by the filing of a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, Agency.Clerk@dep.state.fl.us; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty days from the date this action is filed with the Agency Clerk.

Mediation is not available in this proceeding.

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by the filing of a Notice of Appeal, under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-

3000; and, by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty days from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

David L. Read, P.E.
2013.10.22
12:40:44 -04'00'

for Syed Arif, Environmental Administrator
Office of Permitting and Compliance
Division of Air Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this letter of authorization for an alternate sampling procedure was sent by electronic mail with received receipt requested before the close of business on the date indicated below to the following persons.

Jean Zerinque, Vice President: jean.zeringuer@nustarenergy.com
Michael Doerner, TRC Solutions: mdoerner@trcsolutions.com
Richard Rachal, Waste and Air Resource Management, DEP Northeast District: richard.rachal@dep.state.fl.us
David McNeal, EPA Region 4: mcneal.dave@epa.gov
Lynn Scearce, DEP OPC: lynn.scearce@dep.state.fl.us

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

Lynn Scearce
2013.10.22 13:28:11
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