



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

SOUTHEAST DISTRICT OFFICE  
400 NORTH CONGRESS AVENUE, 3RD FLOOR  
WEST PALM BEACH, FL 33401  
561-681-6600

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

August 15, 2014

*Sent by Electronic Mail - Received Receipt Requested*  
[graham@vieselfuel.com](mailto:graham@vieselfuel.com)

Mr. Graham Towerton  
Viesel Fuel LLC  
3041 SE Dominica Terrace  
Stuart, Florida 34997

Re: Project No. 0850156-001-AC 002-AO  
Viesel Fuel LLC, Stuart Biodiesel Plant  
Initial Minor Air Construction and Operation Permit

Dear Mr. Towerton:

On January 17, 2014, you submitted an application requesting a permit to construct and operate a 15.8 million gallon per year biodiesel production facility. This facility is located in Martin County at 2041 SE Dominica Terrace in Stuart, Florida. Enclosed are the following documents:

- Technical Evaluation and Preliminary Determination;
- Draft Permit and Appendices;
- Written Notice of Intent to Issue Air Permit; and
- Public Notice of Intent to Issue Air Permit.

The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. If you have any questions, please contact the project engineer, Scott D. Trainor, at 561-681-6600.

Sincerely,

Jennifer K. Smith  
Southeast District Assistant Director

8/15/14

Date

Enclosures

Dmp LCH SDT  
JKS/dmp/lch/sdt

## WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

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*In the Matter of an  
Application for Air Permit by:*

Viesel Fuel LLC  
3041 SE Dominica Terrace  
Stuart, Florida 34997

Project No. 0850156-001-AC & 002-AO  
Minor Air Construction & Operation Permit  
Martin County, Florida

*Authorized Representative:*  
Mr. Graham Towerton, Process Engineer

Viesel Fuel Stuart Plant  
Initial Construction and Operation Permit

**Facility Location:** Viesel Fuel LLC operates the existing 2 million gallon per year Viesel Fuel Stuart Plant, which is located in Martin County at 3041 SE Dominica Terrace in Stuart, Florida.

**Project:** The applicant proposes to increase production to 15.8 million gallons per year of biodiesel and to burn used vegetable oil in the two boiler units. Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Department of Environmental Protection's Air Resource Section in the Southeast District Office. The Permitting Authority's physical address is: 400 North Congress Avenue, 3<sup>rd</sup> Floor, West Palm Beach, Florida, 33401. The Permitting Authority's mailing address is: 400 North Congress Avenue, 3<sup>rd</sup> Floor, West Palm Beach, Florida, 33401. The Permitting Authority's telephone number is 561-681-6600.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Permit:** The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Public Notice:** Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the

## WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

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Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. 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 (in a proceeding initiated by another party) 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 Permitting Authority'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, and telephone number of the petitioner; the name, address and telephone 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 when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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.

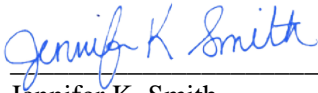
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. Persons whose substantial interests 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.

**Mediation:** Mediation is not available in this proceeding.

## WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

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Executed in Tallahassee, Florida.



Jennifer K. Smith  
Southeast District Assistant Director

8/15/14

Date

Dmp/LCH/sdt  
JKS/dmp/lch/sdt

### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit package (including the Written Notice of Intent to Issue Air Permit, the Public Notice of Intent to Issue Air Permit, the Technical Evaluation and Preliminary Determination and the Draft Permit) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 08-15-2014 to the persons listed below.

Mr. Graham Towerton, Viesel Fuel LLC ([graham@vieselfuel.com](mailto:graham@vieselfuel.com))

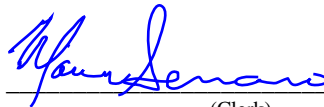
Mr. Stuart Lamb, Viesel Fuel LLC ([stulamb@vieselfuel.com](mailto:stulamb@vieselfuel.com))

Ms. Michelle Nyberg, Viesel Fuel LLC ([mnyberg@vieselfuel.com](mailto:mnyberg@vieselfuel.com))

Mr. William Mathers, PE, Mathers Engineering Corp. ([mathersengineers@bellsouth.net](mailto:mathersengineers@bellsouth.net))

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.



(Clerk)

08-15-2014

(Date)

## PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection  
Air Resource Section, Southeast District Office  
Draft Minor Source Air Construction Permit  
Project No. 0850156-001-AC & -002-AO  
Viesel Fuel LLC, Stuart Plant  
Martin County, Florida

**Applicant:** The applicant for this project is Viesel Fuel LLC. The applicant's authorized representative and mailing address is: Mr. Graham Towerton, Process Engineer, Viesel Fuel LLC, Viesel Stuart Plant, 3041 SE Dominica Terrace, Stuart, Florida 34997.

**Facility Location:** Viesel Fuel LLC operates the existing Viesel Stuart Plant, which is a 2 million gallon per year biodiesel production facility located in Martin County at 3041 SE Dominica Terrace in Stuart, Florida.

**Project:** The existing facility is a batch type, biodiesel production plant that can produce up to a maximum of 2 million gallons of biodiesel fuel annually. The proposed expansion will increase production to 15.8 million gallons of biodiesel fuel annually. The facility includes two 2.5 mmBtu/hr boilers burning vegetable oil (EUs 001 and 002) one 15,000 gallon dry/anhydrous Methanol storage tank (EU003) one 5,000 gallon Wet Methanol Storage Tank for methanol recovered from the process (EU004) fugitive emissions from the process equipment (EU005) and a vent from the process vacuum system (EU006). Pollutant emissions are minimal, with total Volatile Organic Compounds (VOC) at 11.43 tons/year, Hazardous Air Pollutants (HAPS) at 9.93 tons/year, CO at 0.4 tons/year, NO<sub>x</sub> at 1.48 ton/year, and SO<sub>2</sub> at 0.0108 ton/year and Particulates at 0.44 ton/year. Regulations include NSPS 40 CFR 60, Subpart A "New Source Performance Standards", 40 CFR 60, Subpart VVa, "Standards of Performance for Equipment Leaks of VOC", and 40 CFR 63, Subpart JJJJJJ "National Emission Standards for HAPS for Industrial, Commercial, and Institutional Boilers at Area Sources" Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

**Permitting Authority:** Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Department of Environmental Protection's Air Resource Section in the Southeast District Office. The Permitting Authority's physical address is: 400 North Congress Avenue, 3<sup>rd</sup> Floor, West Palm Beach, Florida, 33401. The Permitting Authority's mailing address is: 400 North Congress Avenue, 3<sup>rd</sup> Floor, West Palm Beach, Florida, 33401. The Permitting Authority's telephone number is 561-681-6600.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site: <http://www.dep.state.fl.us/air/emission/apds/default.asp>.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue an air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of this Public Notice. Written comments must be received by the

(Public Notice to be Published in the Newspaper)

Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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A petition that disputes the material facts on which the Permitting Authority'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 and telephone number of the petitioner; the name address and telephone 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 rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. 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.

**Mediation:** Mediation is not available for this proceeding.



**TECHNICAL EVALUATION  
&  
PRELIMINARY DETERMINATION**

**APPLICANT**

Viesel Fuel LLC  
3041 SE Dominica Terrace  
Stuart, Florida 34997

Viesel Stuart  
Facility ID No. 0850156

**PROJECT**

Project No. 0850156-001-AC and 0850156-002-AO  
Application for Minor Source Air Construction Permit  
Initial Concurrent Air Construction and Air Operation Permit

**COUNTY**

Martin County, Florida

**PERMITTING AUTHORITY**

Florida Department of Environmental Protection  
Air Resource Section  
Southeast District Office  
400 North Congress Avenue, 3<sup>rd</sup> Floor  
West Palm Beach, Florida, 33401

August 15, 2014

## 1. GENERAL PROJECT INFORMATION

### Air Pollution Regulations

Projects at stationary sources with the potential to emit air pollution are subject to the applicable environmental laws specified in Section 403 of the Florida Statutes (F.S.). The statutes authorize the Department of Environmental Protection (Department) to establish regulations regarding air quality as part of the Florida Administrative Code (F.A.C.), which includes the following applicable chapters: 62-4 (Permits); 62-204 (Air Pollution Control – General Provisions); 62-210 (Stationary Sources – General Requirements); 62-212 (Stationary Sources – Preconstruction Review); 62-213 (Operation Permits for Major Sources of Air Pollution); 62-296 (Stationary Sources - Emission Standards); and 62-297 (Stationary Sources – Emissions Monitoring). Specifically, air construction permits are required pursuant to Rules 62-4, 62-210 and 62-212, F.A.C.

In addition, the U. S. Environmental Protection Agency (EPA) establishes air quality regulations in Title 40 of the Code of Federal Regulations (CFR). Part 60 specifies New Source Performance Standards (NSPS) for numerous industrial categories. Part 61 specifies National Emission Standards for Hazardous Air Pollutants (NESHAP) based on specific pollutants. Part 63 specifies NESHAP based on the Maximum Achievable Control Technology (MACT) for numerous industrial categories. The Department adopts these federal regulations on a quarterly basis in Rule 62-204.800, F.A.C.

### Glossary of Common Terms

Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of this permit.

### Facility Description and Location

Viesel Fuel, LLC is an existing Used Vegetable Oil to Biodiesel Production Facility, which is categorized under Standard Industrial Classification Code No. 2869. The facility is located in Martin County at 3041 SE Dominica Terrace in Stuart, Florida. The UTM coordinates of the existing facility are Zone 17, 577.94 km East, and 3003.47 km North. This site is in an area that is in attainment (or designated as unclassifiable) for all air pollutants subject to state and federal Ambient Air Quality Standards (AAQS).

### Facility Regulatory Categories

- The facility is a synthetic minor source of hazardous air pollutants (HAP).
- The facility has no units subject to the acid rain provisions of the Clean Air Act.
- The facility is not a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is not a major stationary source in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

### Project Description

The facility is a batch type, biodiesel production plant that can produce up to a maximum of 15.8 million gallons of biodiesel fuel annually. The facility includes two 2.5 mmBtu/hr boilers burning vegetable oil (EUs 001 and 002) one 15,000 gallon dry/anhydrous Methanol storage tank (EU003) one 5,000 gallon Wet Methanol Storage Tank for methanol recovered from the process (EU004) fugitive emissions from the process equipment (EU005) and a vent from the process vacuum system (EU006). Pollutant emissions are minimal, with total Volatile Organic Compounds (VOC) at 11.43 tons/year, Hazardous Air Pollutants (HAPS) at 9.93 tons/year, CO at 0.4 tons/year, NO<sub>x</sub> at 1.48 ton/year, and SO<sub>2</sub> at 0.0108 ton/year and Particulates at 0.44 ton/year. Regulations include NSPS 40 CFR 60, Subpart A – “New Source Performance Standards”, 40 CFR 60, Subpart VV-a, “Standards of Performance for Equipment Leaks of VOC”, and 40 CFR 63, Subpart JJJJJ “National Emission Standards for HAPS for Industrial, Commercial, and Institutional Boilers at Area Sources”.



### Permit History

- 1-18-2013 Received Request for Exemption for a 2 million gallon per year biodiesel and 170,000 gallons/year of glycerin. Process will be utilizing methanol, there will be a flash evaporation system, and vent gas will be routed through vegetable oil tanks for scrubbing. The tanks were going to be utilizing a nitrogen blanketing system. The boilers would be burning propane.
- 2-1-2013 FDEP issued a determination for the batch plant to produce 2 million gallons/year and 170,000 gallons/year of glycerin (less than 1,000 megagrams or 1,102 tons). The boilers were limited to firing propane gas.

### Processing Schedule

- 1-17-2014 Received an EPSAP application for a concurrent minor source air pollution construction and operation permit for an 11 million gallon/year biodiesel facility, boilers to fire vegetable oil.
- 1-22-2014 Received the PE signature page and insufficient application fee.
- 2-3-2014 Received Sufficient Permit Processing Fee.
- 2-28-2014 Issued a Request for Additional Information (RAI)
- 6-5-2014 Received a Request from the applicant allowing for an additional 30 days to respond to the RAI.
- 6-18-2014 Received Response to RAI (Which included Confidential Information) hardcopy with requested increase of production to 15.8 million gallons/year
- 6-20-2014 Received EPSAP Re-submittal.
- 6-24-2014 Received PE Signature Page for EPSAP Re-submittal.

## 2. PSD APPLICABILITY

### General PSD Applicability

For areas currently in attainment with the state and federal AAQS or areas otherwise designated as unclassifiable, the Department regulates major stationary sources of air pollution in accordance with Florida's PSD preconstruction review program as defined in Rule 62-212.400, F.A.C. Under preconstruction review, the Department first must determine if a project is subject to the PSD requirements ("PSD applicability review") and, if so, must conduct a PSD preconstruction review. A PSD applicability review is required for projects at new and existing major stationary sources. In addition, proposed projects at existing minor sources are subject to a PSD applicability review to determine whether potential emissions *from the proposed project itself* will exceed the PSD major stationary source thresholds. A facility is considered a major stationary source with respect to PSD if it emits or has the potential to emit:

- 250 tons per year or more of any regulated air pollutant; or
- 100 tons per year or more of any regulated air pollutant and the facility belongs to one of the following 28 PSD-major facility categories: fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), Kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants and charcoal production plants.

## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

Once it is determined that a project is subject to PSD preconstruction review, the project emissions are compared to the “significant emission rates” defined in Rule 62-210.200, F.A.C. for the following pollutants: carbon monoxide (CO); nitrogen oxides (NO<sub>x</sub>); sulfur dioxide (SO<sub>2</sub>); particulate matter (PM); particulate matter with a mean particle diameter of 10 microns or less (PM<sub>10</sub>); volatile organic compounds (VOC); lead (Pb); fluorides (Fl); sulfuric acid mist (SAM); hydrogen sulfide (H<sub>2</sub>S); total reduced sulfur (TRS), including H<sub>2</sub>S; reduced sulfur compounds, including H<sub>2</sub>S; municipal waste combustor organics measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans; municipal waste combustor metals measured as particulate matter; municipal waste combustor acid gases measured as SO<sub>2</sub> and hydrogen chloride (HCl); municipal solid waste landfills emissions measured as non-methane organic compounds (NMOC); and mercury (Hg). In addition, significant emissions rate also means any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area and have an impact on such area equal to or greater than 1 µg/m<sup>3</sup>, 24-hour average.

If the potential emission exceeds the defined significant emissions rate of a PSD pollutant, the project is considered “significant” for the pollutant and the applicant must employ the Best Available Control Technology (BACT) to minimize the emissions and evaluate the air quality impacts. Although a facility or project may be *major* with respect to PSD for only one regulated pollutant, it may be required to install BACT controls for several “significant” regulated pollutants.

### PSD Applicability for Project

The table below summarizes the emissions from the proposed emission units:

Viesel Biodiesel Facility  
Facility Number 0850156

EU #	Description	Methanol (ton/yr)	Glycerin (ton/yr)	Total VOC (ton/yr)	SO <sub>2</sub> (ton/yr)	CO (ton/yr)	Nox (ton/yr)	Particulates (ton/yr)
001	Boiler #1				0.0108	0.2	0.74	0.22
002	Boiler #2				0.0108	0.2	0.74	0.22
003	Dry Methanol Storage Tank 15,000 gallons	1.08		1.08				
004	Wet Methanol Storage Tank 5,000 gallons	0.92		0.92				
005	Fugitive VOC Emissions for Site	3.42	1.5	4.92				
006	Vacuum Vent	4.51		4.51				
Totals:		9.93	1.5	11.4	0.0216	0.4	1.48	0.44
Total HAP:		9.93						

As provided in the application, the following table summarizes potential emissions and PSD applicability for the project.

Table A. Potential Emissions (Tons/Year) and PSD Applicability

Pollutant	Project Potential Emissions (TPY)	Significant Emissions Rate (TPY)	Subject To PSD?	Title V Emission Threshold (TPY)	Subject to Title V?
CO	0.4	100	No	NA	No
NO <sub>x</sub>	1.48	40	No	NA	No
PM/PM <sub>10</sub>	0.44	25/15	No	NA	No
SO <sub>2</sub>	0.022	40	No	NA	No
VOC	11.4	40	No	NA	No
Indiv HAP	9.93	NA	NA	10	No
Total HAP	9.93	NA	NA	25	No

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## TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

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As shown in the above table, total project emissions will not exceed the PSD significant emissions rates; therefore, the project is not subject to PSD preconstruction review and is not a major source subject to Title V requirements.

### 3. APPLICATION REVIEW

#### State Requirements

Rule 62-296.320(4)(b)1., F.A.C.: Requires that no facility cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as No. 1 of the Ringlemann Chart (20% opacity).

#### Federal NSPS Provisions

40 CFR 60, Subpart A “New Source Performance Standards”: This provision is applicable to the facility.

40 CFR 60 Subpart Dc: This provision is not applicable to the boilers (EU’s 001 and 002) since they are less than 10 mmBtu/hr each.

40 CFR 60, Subpart Kb is not applicable to this facility because each storage vessel used to store volatile organic liquids (VOL) is less than 75 cubic meters (19813 gallons) capacity.

40 CFR 60, Subpart RRR and Subpart NNN are not applicable to the biodiesel reactors because the process reactors are “Batch” reactors.

40 CFR 60 Subpart VVa: The facility will be producing more than 1,000 Mg/year (1,102 ton/yr) of glycerin, therefore the requirements of this provision are applicable to the portions of the facility which process materials with greater than 10% VOC. This includes the methanol storage and handling facilities, the glycerin processing and handling facilities, the reactor systems and related piping, and the biodiesel prior to the removal of the glycerin. After the removal of glycerin the biodiesel process is not subject to this rule. The facility will be required to submit a plan to comply with the provisions of this subpart within 60 days of permit issuance.

#### Federal NESHAP Provisions

40 CFR 63 Subpart JJJJJ: This rule is applicable to the existing oil-fired boilers. The oil subcategory includes any boiler that burns any liquid fuel, including vegetable oil. Per Table 2, of Subpart JJJJJ, the requirements will be to conduct an initial tune-up per 63.11214 and every 5 years thereafter and maintain records of the maintenance.

40 CFR 63, Subparts F, G, and H are not applicable to this project because all of the requirements of 40 CFR 63.100(b) are not met and therefore the facility is not subject to Subpart F,G and H. Biodiesel is produced as the primary product and is not one of the listed chemicals subject to the requirement. Glycol is produced and it is one of the listed chemicals, however, this is only a bi-product of the process.

40 CFR 63, Subpart FFFF is not applicable to this facility because it emits less than 10 tons/year of any one HAP or 25 tons/year of combined HAPs.

#### Other Draft Permit Requirements

To provide reasonable assurance that the facility is not exceeding their permitted synthetic limitation (biodiesel production), the facility will be required to maintain records of monthly and running 12-month totals of biodiesel production. The facility is also required to submit an Annual Operating Report.

In order to provide reasonable assurance that the emissions from the boilers burning used vegetable oil do not exceed the calculated values submitted with the application, the facility will be required to conduct initial performance testing for CO, NOx and Particulates. .

### 4. PRELIMINARY DETERMINATION

## **TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION**

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The Department makes a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations as conditioned by the draft permit. This determination is based on a technical review of the complete application, reasonable assurances provided by the applicant, and the conditions specified in the draft permit. Scott D. Trainor is the project engineer responsible for reviewing the application and drafting the permit. Additional details of this analysis may be obtained by contacting the project engineer at the:

Florida Department of Environmental Protection  
Southeast District  
400 N. Congress Avenue, 3<sup>rd</sup> Floor  
West Palm Beach, FL 33401

# **\*\*\* DRAFT PERMIT \*\*\***

*Sent by Electronic Mail – Received Receipt Requested*  
[graham@vieselfuel.com](mailto:graham@vieselfuel.com)

## **PERMITTEE**

Viesel Fuel LLC  
3041 SE Dominica Terrace  
Stuart, Florida 34997

Authorized Representative:  
Mr. Graham Towerton, Process Engineer

Air Permit No. 0850156-001-AC & -002-AO  
Permit Expires: 5 years from clerking date

Viesel Stuart  
Minor Source Initial Concurrent Air Construction  
& Operation Permit

This is the final air construction permit, which authorizes the existing Viesel Stuart Biodiesel production plant to increase its production from 2 million gallons per year to 15.8 million gallons per year. The proposed work will be conducted at the Viesel Stuart plant, which is a Biodiesel Production Facility (Standard Industrial Classification No. 2869). The facility is located in Martin County at 3041 SE Dominica Terrace in Stuart, Florida. The UTM coordinates are Zone 17, 577.94 km East, and 3003.47 km North. As noted in the Final Determination provided with this final permit, only minor changes and clarifications were made to the draft permit.

This final permit is organized by the following sections.

Section 1. General Information

Section 2. Administrative Requirements

Section 3. Emissions Unit Specific Conditions

Section 4. Appendices

Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of Section 4 of this permit.

This air pollution construction permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

Upon issuance of this final permit, any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel (Mail Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days after this order is filed with the clerk of the Department.

## AIR CONSTRUCTION PERMIT (DRAFT)

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Executed in West Palm Beach, Florida

DRAFT

\_\_\_\_\_  
Jennifer K. Smith  
Southeast District Assistant Director

\_\_\_\_\_  
Date

*Dmp LCH Sdt*  
JKS/dmp/lch/sdt

### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package (including the Final Determination and Final Permit) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on \_\_\_\_\_ to the persons listed below.

Mr. Graham Towerton, Viesel Fuel LLC ([graham@vieselfuel.com](mailto:graham@vieselfuel.com))

Mr. Stuart Lamb, Viesel Fuel LLC ([stulamb@vieselfuel.com](mailto:stulamb@vieselfuel.com))

Ms. Michelle Nyberg, Viesel Fuel LLC ([mnyberg@vieselfuel.com](mailto:mnyberg@vieselfuel.com))

Mr. William Mathers, PE, Mathers Engineering Corp. ([mathersengineers@bellsouth.net](mailto:mathersengineers@bellsouth.net))

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.

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Date)

## SECTION 1. GENERAL INFORMATION (DRAFT)

### FACILITY AND PROJECT DESCRIPTION

#### Existing Facility

The existing facility consists of the following emissions units.

Facility ID No. 0850156	
ID No.	Emission Unit Description
	Boiler #1 2.5 mmBtu/hr propane fired boiler
	Boiler #2 2.5 mmBtu/hr propane fired boiler
	Dry Methanol Storage Tank – 15,000 gallons
	Wet Methanol Storage Tank – 5,000 gallons
	Fugitive VOC Emissions for the Site
	Vacuum Vent

Facility currently producing under 2 million gallons per year without permit.

#### Proposed Project

Provide a brief description of the proposed project being permitted. This project will add or modify the following emissions units.

Facility ID No. 0850156	
ID No.	Emission Unit Description
001	Boiler #1 2.5 mmBtu/hr used vegetable oil fired boiler
002	Boiler #2 2.5 mmBtu/hr used vegetable oil fired boiler
003	Dry Methanol Storage Tank – 15,000 gallons
004	Wet Methanol Storage Tank – 5,000 gallons
005	Fugitive VOC Emissions for the Site
006	Vacuum Vent

### FACILITY REGULATORY CLASSIFICATION

- The facility is a synthetic minor source of hazardous air pollutants (HAP).
- The facility has no units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility is not a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is not a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C.

**SECTION 2. ADMINISTRATIVE REQUIREMENTS AND FACILITY-WIDE SPECIFIC CONDITIONS  
(DRAFT)**

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**ADMINISTRATIVE REQUIREMENTS**

1. Permitting Authority: The permitting authority for this project is the Florida Department of Environmental Protection, Southeast District Office (Department). The Southeast District Office mailing address is 400 North Congress Avenue, 3<sup>rd</sup> Floor, West Palm Beach, Florida 33401. All documents related to applications for permits to operate an emissions unit shall be submitted to the Southeast District Office.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the District Office. The mailing address and phone number of the District Office is: 400 North Congress Avenue, 3<sup>rd</sup> Floor, West Palm Beach, Florida 33401; Phone Number: 561-681-6600. The email address for the Southeast District Air Program is [sed.air@dep.state.fl.us](mailto:sed.air@dep.state.fl.us).
3. Appendices: The following Appendices are attached as part of this permit:
  - a. Appendix A. Citation Formats and Glossary of Common Terms;
  - b. Appendix B. General Conditions;
  - c. Appendix C. Common Conditions; and
  - d. Appendix D. Common Testing Requirements. (if applicable)
  - e. Appendix JJJJJ. NESHAP Subpart JJJJJ: for Area Source Industrial, Commercial, and Institutional Boilers
  - f. Appendix VVa. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. Source Obligation:
  - (a) At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.



**SECTION 2. ADMINISTRATIVE REQUIREMENTS AND FACILITY-WIDE SPECIFIC CONDITIONS  
(DRAFT)**

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(b) At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by exceeding its projected actual emissions, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.

[Rule 62-212.400(12), F.A.C.]

8. **Renewal of This Permit Required:** An application for renewal of this operation permit must be submitted to the Department of Environmental Protection, Southeast District Office, Air Program at least 60 days prior to the expiration date of this permit. To apply for an operation permit, the applicant shall submit the appropriate application form, the appropriate application fee, all required compliance test results, and such additional information as the Department may by law require.

[Rule 62-4.090, F.A.C.]

*{Permit note: Public notice may be required again at the time of renewal or revision of this permit if the facility or permit is materially changed from that described by this permit.}*

[Rule 62-210.350(4)(a), F.A.C.]

**FACILITY-WIDE SPECIFIC CONDITIONS**

- FW.1. **Hours of Operation:** The hours of operation of are not limited (8760 hours per year).

[Rules 62-4.070(3)]

- FW.2. **Biodiesel Production:** The total production of biodiesel fuel shall not exceed 15.8 million gallons in any consecutive 12-month period.

[Rule 62-4.070(3), F.A.C., requested by permittee to escape Title V Regulation]

- FW.3. **Methanol Emissions:** Total emissions of the individual HAP methanol shall not exceed 9.93 tons in any consecutive 12-month period. Compliance with Facility-Wide condition 2 should prevent the facility from exceeding the methanol emission cap.

[Rule 62-4.070(3), F.A.C., requested by permittee to escape Title V Regulation]

*{Permitting note: A consecutive 12-months total is equal to the total for the month in question plus the totals for the eleven months previous to the month in question. A consecutive 12-months total treats each month of the year as the end of a 12-months period. A 12-months total is not a year-to-date total. Facilities that have not been operating for 12 months should retain 12 month totals using whatever number of months of data are available until such a time as a consecutive 12-months total can be maintained each month.}*

- FW.4. **Objectionable Odor Prohibited:** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

[Rule 62-296.320(2), F.A.C.]

*{Permitting note: Objectionable odor is defined in Rule 62-210.200(181), F.A.C., as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance}.*

- FW.5. **Special Compliance Tests:** When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard in Rules 62-204 through 62-297 or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

**SECTION 2. ADMINISTRATIVE REQUIREMENTS AND FACILITY-WIDE SPECIFIC CONDITIONS  
(DRAFT)**

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[Rule 62-297.310(7)(b), F.A.C.]

- FW.6. Annual Operating Report. On or before April 1st of each calendar year, a completed DEP Form 62-210.900(5), Annual Operating Report (AOR) Form for Air Pollutant Emitting Facility shall be submitted to the Department of Environmental Protection Southeast District Office, if the report is submitted using the Department's electronic annual operating report software, there is no requirement to submit a hard copy to the district office.

[Rule 62-210.370(3)(a)2. and 62-210.370(3)(c) FAC]

## SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT)

### A. EU001 and EU002 Boilers #1 and #2

This section of the permit addresses the following emissions units.

ID No.	Emission Unit Description
001	Boiler #1 2.5 mmBtu/hr used vegetable oil fired boiler
002	Boiler #2 2.5 mmBtu/hr used vegetable oil fired boiler

*{Permitting Note: The permitting exemptions for small boilers listed in 62-210.300(3)(a), F.A.C. could be not be applied to these emission units because a fuel other than propane, natural gas LP Gas is being fired. The units are subject to the requirements 40 CFR 63 Subpart JJJJJJ because the boilers burn liquid fuel, including vegetable oil.}*

### EQUIPMENT

- A.1. EU001 (Boiler #1) and EU002 (Boiler #2): The permittee is authorized to install two, 2.5 mmBtu/hr boilers which will burn used vegetable oil as fuel. [Application No. 0850156-001-AC]

### PERFORMANCE RESTRICTIONS

- A.2. Permitted Capacity: 2.5 mmBtu/hr each [Rule 62-4.070(3) FAC]
- A.3. Authorized Fuel: Used vegetable oil [Application No. 0850156-001-AC and Rule 62-4.070(3) F.A.C.]
- A.4. Unrestricted Operation: The hours of operation of are not limited (8760 hours per year). [Rule 62-210.200(PTE), F.A.C.]

### EMISSIONS STANDARDS

- A.5. Emissions Standards:
- a. Particulate Matter (PM): Particulate emissions from the boilers exhaust shall not exceed 0.05 lbs per hour. [Application No. 0850156-001-AC and Rule 62-4.070(3) FAC].
  - b. Carbon Monoxide (CO): Carbon Monoxide emissions from the boilers exhaust shall not exceed 0.046 lbs per hour. [Application No. 0850156-001-AC and Rule 62-4.070(3) FAC].
  - c. Nitrogen Oxide (NOx): Nitrogen Oxide emissions from the boilers exhaust shall not exceed 0.169 lbs per hour. [Application No. 0850156-001-AC and Rule 62-4.070(3) FAC].
- A.6. Visible Emissions: Visible emissions (VE) shall not be equal to or greater than 20 percent opacity. [Rule 62-210.300(3)(c)2.f. F.A.C.]

### TESTING REQUIREMENTS

- A.7. Initial Compliance Tests: The emissions unit shall be tested to demonstrate initial compliance with the emissions standards for Particulate, Carbon Monoxide and Nitrogen Oxide emissions. The initial tests shall be conducted within 60 days after achieving permitted capacity, but not later than 180 days after issuance of final permit. [Rules 62-4.070(3) and 62-297.310(7)(a)1, F.A.C.]
- A.8. The testing of emissions units shall be conducted with the emissions unit operating at 90 to 100 percent of the maximum operation rate allowed by the permit. [Rule 62-297.310(2) F.A.C.]
- A.9. Test Requirements: The permittee shall notify the Compliance Authority in writing at least 15 days prior to any required tests. Tests shall be conducted in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(7)(a)9, F.A.C.]
- A.10. Test Methods: Required tests shall be performed in accordance with the following reference methods.

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT)

#### A. EU001 and EU002 Boilers #1 and #2

Method	Description of Method and Comments
1-4	Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content
5	Determination of Particulate Matter Emissions from Stationary Sources
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources (The method shall be based on a continuous sampling train.)

The above methods are described in Appendix A of 40 CFR 60 and are adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department. [Rules 62-204.800 and 62-297.100, F.A.C.; and Appendix A of 40 CFR 60]

#### MAINTENANCE REQUIREMENTS

- A.11. Tune-Up: The permittee shall conduct an initial boiler tune-up within 90 days of permit issuance as specified in paragraphs (a) through (g) of this section and a tune-up every 5 years thereafter.
- As applicable, inspect the burner, and clean or replace any components of the burner as necessary (you may delay the burner inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection). Units that produce electricity for sale may delay the burner inspection until the first outage, not to exceed 36 months from the previous inspection.
  - Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available.
  - Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (you may delay the inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection). Units that produce electricity for sale may delay the inspection until the first outage, not to exceed 36 months from the previous inspection.
  - Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any nitrogen oxide requirement to which the unit is subject.
  - Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.
  - Maintain on-site and submit, if requested by the Administrator, a report containing the information in paragraphs (b)(6)(i) through (iii) of this section.
    - The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler.
    - A description of any corrective actions taken as a part of the tune-up of the boiler.
    - The type and amount of fuel used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit.
  - If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of startup.

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT)

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#### A. EU001 and EU002 Boilers #1 and #2

[40 CFR 63 Subpart JJJJJ, 40 CFR 63.11214]

#### RECORDS AND REPORTS

- A.12. Test Reports: The permittee shall prepare and submit reports for all required tests in accordance with the requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(8), F.A.C.]
- A.13. Maintenance Data: The permittee shall submit notification of the completion of required boiler tune-ups within 30 days of completion. [Rule 62-4.070(3), F.A.C., 40 CFR 63 Subpart JJJJJ]
- A.14. Annual Operating Reports: Total emissions from these emissions units shall be included in the annual operating report per Condition FW.6. [Rule 62-210.370(3)(a)2., F.A.C.]

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT)

#### B. EU003 Dry Methanol Storage Tank and EU004 Wet Methanol Storage Tank

This section of the permit addresses the following emissions units.

ID No.	Emission Unit Description
003	Dry Methanol Storage Tank – 15,000 gallons
004	Wet Methanol Storage Tank – 5,000 gallons

*Note: Emission Units EU003 and EU004 are exempt from 40 CFR 60 Subpart Kb as both have less than a 19,813 gallon capacity.*

#### EQUIPMENT

- B.1. EU003 Dry Methanol Storage Tank: The permittee is authorized to install a 15,000 gallon storage tank for dry (anhydrous) methanol. [Application No. 0850156-001-AC]
- B.2. EU004 Wet Methanol Storage Tank: The permittee is authorized to install a 5,000 gallon storage tank for the Wet Methanol recovered from the process. [Application No. 0850156-001-AC]

#### PERFORMANCE RESTRICTIONS

- B.3. Unrestricted Operation: The hours of operation of are not limited (8760 hours per year). [Rule 62-210.200(PTE), F.A.C.]

#### RECORDS AND REPORTS

- B.4. Annual Operating Reports: Total emissions from these emissions units shall be included in the annual operating report per Condition FW.6. [Rule 62-210.370(3)(a)2., F.A.C.].

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT)

#### C. EU005 Fugitive VOC Emissions from the Site

This section of the permit addresses the following emissions unit.

ID No.	Emission Unit Description
005	Fugitive VOC Emissions from the Site

*Note: This emission unit is subject to 40 CFR 60, subpart VVa – “Standards of Performance for Equipment Leaks of VOC”.*

#### EQUIPMENT

- C.1. EU005 Fugitive VOC Emissions (Methanol and Glycerin) from the Site: This emission unit address, as a single emissions unit, one or more process or production units and activities, such as valves and fittings, which produce fugitive emissions of VOC only. [Application No. 0850156-001-AC]

#### PERFORMANCE RESTRICTIONS

- C.2. Unrestricted Operation: The hours of operation of are not limited (8760 hours per year). [Rule 62-210.200(PTE), F.A.C.]

#### TESTING REQUIREMENTS

- C.3. Initial Compliance Tests: There is no initial compliance test required for airborne pollutants. However the permittee shall develop a plan and list of equipment to be leak tested and submit the plan within 90 days of startup to the Air Compliance Section of the Department’s Southeast District Office for approval, and demonstrate compliance test within 180 days of final permit. [40 CFR 60, Subpart VVa]
- C.4. Annual Compliance Tests: None Required.
- C.5. Test Required by Federal Regulations and Notification: The permittee shall notify the Compliance Authority in writing at least 15 days prior to any required tests. Tests shall be conducted in accordance with the following applicable requirements:

**40 CFR 60, Subpart A** - Standards of Performance for Stationary Sources.

**40 CFR 60, Subpart VVa** – Standards of Performance for Equipment Leaks of VOC in Synthetic Organic Chemicals Manufacturing Industry.

- C.6. Special Inspection Requirement: All aluminum components (unless anodized) that may come in contact with methane liquid and/or vapors are to be inspected annually for corrosion, degradation, leakage and seal leakages. [Rule 62-4.070 F.A.C.]
- C.7. Test Methods: Required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
9	Visual Determination of the Opacity of Emissions from Stationary Sources, (Only when needed if facility appears to produce emissions in excess of 20% opacity).
21	Determination of Volatile Organic Compound Leaks [Rule 40 CFR 60 Appendix A].
-	Visual Inspection for corrosion, degradation and seal leakages where aluminum components may come in contact with methane liquid and/or vapors. [Rule 62-4.070 F.A.C.]

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## SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT)

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### C. EU005 Fugitive VOC Emissions from the Site

The above method is described in Appendix A of 40 CFR 60 and are adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department.

[Rules 62-204.800 and 62-297.100, F.A.C.; and Appendix A of 40 CFR 60]

- C.8. Operation During Testing: Unless otherwise specified in the applicable NSPS subparts, the testing of the biodiesel emission unit(s) shall be conducted as follows:

Compliance tests for the purpose of demonstrating compliance with Federal Standards, emissions limits, leak testing or performance standards shall be conducted while operating within 90-100% of the maximum permitted biodiesel production rate of 2.85 Million gallons per year.

- a. Compliance tests submitted for rates less than 90% of maximum permitted rate may be considered invalid unless production rates at or above 90% are not feasible. If tests at production rates above 90% are not feasible, then a brief statement explaining why they are not feasible shall be included with the test results.

The actual production rates for the test period shall be included in the test report for each test. Failure to submit the actual production rates for the test period and a copy of the daily log for the test day, in the test report, may invalidate the test and fail to provide reasonable assurance of compliance

### RECORDS AND REPORTS

- C.9. Semiannual Reports: The owner or operator (permittee) subject to the provisions of 40 CFR 60.487a, of Subpart VVa shall submit semiannual reports to the Department beginning six (6) months after receipt of permit. [Rule 62-4.070(3), F.A.C.]

- C.10. Monthly Production Recordkeeping: To determine compliance with the operational limits of the permit, the permittee shall produce and maintain the following records:

- a. Facility Number (0850156), Emission/ Process unit description and date.
- b. The total quantity of Methyl Ester (i.e. biodiesel) produced, in gallons for the month.
- c. The total quantity of Methyl Ester (i.e. biodiesel) produced, in gallons, for most recent consecutive 12-month period.
- d. The total quantity of Glycerin produced, in pounds, produced in pounds, for the month.
- e. The total quantity of Glycerin produced, in pounds, for most recent consecutive 12-month period.
- f. Records of amount and the method of Glycerin disposal, including offsite removal by a third party licensed contractor.
- g. *40 CFR 60 Subpart VVa Recordkeeping* –The following list summarizes some of the records that must be maintained in accordance with this subpart:
  - f.1. Leak Detection Recordkeeping [40 CFR 60.486a(b) & (c)]. (Also see specific conditions C.3. & C.9.).
  - f.2. Closed Vent System and Control Devices Recordkeeping [40 CFR 60.486a(d)].
  - f.3. Equipment Identification and Recordkeeping [40 CFR 60.486a(g)].
  - f.4. Unsafe-to-Monitor Valves and Pumps/Difficult-to-Monitor Valves Identification Recordkeeping [40 CFR 60.486a(f)].
  - f.5. Valves Complying with Alternative Standards Recordkeeping. [(40 CFR 60.486a(g)].



### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT)

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#### C. EU005 Fugitive VOC Emissions from the Site

- f.6. Seal System and Barrier Fluid Failure Design Criteria Recordkeeping for Pumps and Compressors. [40 CFR 60.486a]
  - f.7. Subpart Exemption Recordkeeping [40 CFR 60.486a(i)]
  - f.8. Equipment not in VOC Service Recordkeeping [40 CFR 60.486a(i)]  
[Rule 62-4.070(3), F.A.C. and 40 CFR 60.8(c)]
- C.11. Test Reports: The permittee shall prepare and submit reports for all required tests, for each test run, in accordance with the requirements specified in the following Federal Regulations:
  - a. NSPS 40 CFR 60, Subpart A
  - b. 40 CFR 60 Subpart VVa:  
[Rule 62-4.070(3), F.A.C.]
- C.12. Annual Operating Reports: Total emissions from these emissions units shall be included in the annual operating report per Condition FW.6. [Rule 62-210.370(3)(a)2., F.A.C.]

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT)

#### D. EU006 Vacuum Vent

This section of the permit addresses the following emissions unit.

ID No.	Emission Unit Description
EU006	Vacuum Vent

#### EQUIPMENT

- D.1. EU006 Vacuum Vent: The permittee is authorized to install a vacuum vent which releases uncondensed vapors to the atmosphere from the discharge of the vacuum system vacuum pump. Emissions for vent is Methanol (HAP/VOC).  
[Application No. 0850156-001-AC]

#### PERFORMANCE RESTRICTIONS

- D.2. Unrestricted Operation: The hours of operation of are not limited (8760 hours per year).  
[Rule 62-210.200(PTE), F.A.C.]

#### RECORDS AND REPORTS

- D.3. Annual Operating Reports: Total emissions from these emissions units shall be included in the annual operating report per Condition FW.6. [Rule 62-210.370(3)(a)2., F.A.C.]

## **SECTION 4. APPENDICES (DRAFT)**

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**SECTION 4. APPENDIX A (DRAFT)**  
**Citation Formats and Glossary of Common Terms**

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**CITATION FORMATS**

The following illustrate the formats used in the permit to identify applicable requirements from permits and regulations.

**Old Permit Numbers**

Example: Permit No. AC50-123456 or Permit No. AO50-123456

Where: “AC” identifies the permit as an Air Construction Permit  
“AO” identifies the permit as an Air Operation Permit  
“123456” identifies the specific permit project number

**New Permit Numbers**

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: “099” represents the specific county ID number in which the project is located  
“2222” represents the specific facility ID number for that county  
“001” identifies the specific permit project number  
“AC” identifies the permit as an air construction permit  
“AF” identifies the permit as a minor source federally enforceable state operation permit  
“AO” identifies the permit as a minor source air operation permit  
“AV” identifies the permit as a major Title V air operation permit

**PSD Permit Numbers**

Example: Permit No. PSD-FL-317

Where: “PSD” means issued pursuant to the preconstruction review requirements of the Prevention of Significant Deterioration of Air Quality  
“FL” means that the permit was issued by the State of Florida  
“317” identifies the specific permit project number

**Florida Administrative Code (F.A.C.)**

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

**Code of Federal Regulations (CFR)**

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

**GLOSSARY OF COMMON TERMS**

° F: degrees Fahrenheit

**AAQS:** Ambient Air Quality Standard

**acf:** actual cubic feet

**acfm:** actual cubic feet per minute

**ARMS:** Air Resource Management System (DEP database)

**BACT:** best available control technology

**bhp:** brake horsepower

**Btu:** British thermal units

**CAM:** compliance assurance monitoring

**CEMS:** continuous emissions monitoring system

**cfm:** cubic feet per minute

**CFR:** Code of Federal Regulations

**CAA:** Clean Air Act

**CMS:** continuous monitoring system

**CO:** carbon monoxide

**CO<sub>2</sub>:** carbon dioxide

## SECTION 4. APPENDIX A (DRAFT)

### Citation Formats and Glossary of Common Terms

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<b>COMS:</b> continuous opacity monitoring system	<b>NSPS:</b> New Source Performance Standards
<b>DARM:</b> Division of Air Resource Management	<b>O&amp;M:</b> operation and maintenance
<b>DEP:</b> Department of Environmental Protection	<b>O<sub>2</sub>:</b> oxygen
<b>Department:</b> Department of Environmental Protection	<b>Pb:</b> lead
<b>dscf:</b> dry standard cubic feet	<b>PM:</b> particulate matter
<b>dscfm:</b> dry standard cubic feet per minute	<b>PM<sub>10</sub>:</b> particulate matter with a mean aerodynamic diameter of 10 microns or less
<b>EPA:</b> Environmental Protection Agency	<b>ppm:</b> parts per million
<b>ESP:</b> electrostatic precipitator (control system for reducing particulate matter)	<b>ppmv:</b> parts per million by volume
<b>EU:</b> emissions unit	<b>ppmvd:</b> parts per million by volume, dry basis
<b>F.A.C.:</b> Florida Administrative Code	<b>QA:</b> quality assurance
<b>F.A.W.:</b> Florida Administrative Weekly	<b>QC:</b> quality control
<b>F.D.:</b> forced draft	<b>PSD:</b> prevention of significant deterioration
<b>F.S.:</b> Florida Statutes	<b>psi:</b> pounds per square inch
<b>FGD:</b> flue gas desulfurization	<b>PTE:</b> potential to emit
<b>FGR:</b> flue gas recirculation	<b>RACT:</b> reasonably available control technology
<b>Fl:</b> fluoride	<b>RATA:</b> relative accuracy test audit
<b>ft<sup>2</sup>:</b> square feet	<b>RBLC:</b> EPA's RACT/BACT/LAER Clearinghouse
<b>ft<sup>3</sup>:</b> cubic feet	<b>SAM:</b> sulfuric acid mist
<b>gpm:</b> gallons per minute	<b>scf:</b> standard cubic feet
<b>gr:</b> grains	<b>scfm:</b> standard cubic feet per minute
<b>HAP:</b> hazardous air pollutant	<b>SIC:</b> standard industrial classification code
<b>Hg:</b> mercury	<b>SIP:</b> State Implementation Plan
<b>I.D.:</b> induced draft	<b>SNCR:</b> selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)
<b>ID:</b> identification	<b>SO<sub>2</sub>:</b> sulfur dioxide
<b>kPa:</b> kilopascals	<b>TPD:</b> tons/day
<b>lb:</b> pound	<b>TPH:</b> tons per hour
<b>MACT:</b> maximum achievable technology	<b>TPY:</b> tons per year
<b>MMBtu:</b> million British thermal units	<b>TRS:</b> total reduced sulfur
<b>MSDS:</b> material safety data sheets	<b>UTM:</b> Universal Transverse Mercator coordinate system
<b>MW:</b> megawatt	<b>VE:</b> visible emissions
<b>NESHAP:</b> National Emissions Standards for Hazardous Air Pollutants	<b>VOC:</b> volatile organic compounds
<b>NO<sub>x</sub>:</b> nitrogen oxides	

## SECTION 4. APPENDIX B (DRAFT)

### General Conditions

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are “permit conditions” and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - a. Have access to and copy any records that must be kept under conditions of the permit;
  - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
  - a. A description of and cause of noncompliance; and
  - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or

## SECTION 4. APPENDIX B (DRAFT)

### General Conditions

Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
  - a. Determination of Best Available Control Technology (not applicable);
  - b. Determination of Prevention of Significant Deterioration (not applicable); and
  - c. Compliance with New Source Performance Standards (applicable).
14. The permittee shall comply with the following:
  - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - c. Records of monitoring information shall include:
    - (a) The date, exact place, and time of sampling or measurements;
    - (b) The person responsible for performing the sampling or measurements;
    - (c) The dates analyses were performed;
    - (d) The person responsible for performing the analyses;
    - (e) The analytical techniques or methods used;
    - (f) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

## SECTION 4. APPENDIX C (DRAFT)

### Common Conditions

Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.

#### EMISSIONS AND CONTROLS

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed 2 hours in any 24-hour period unless specifically authorized by the Department for longer duration. Pursuant to Rule 62-210.700(5), F.A.C., the permit subsection may specify more or less stringent requirements for periods of excess emissions. Rule 62-210.700(Excess Emissions), F.A.C., cannot vary or supersede any federal NSPS or NESHAP provision. [Rule 62-210.700(1), F.A.C.]
4. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Compliance Authority in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]
8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]
9. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

#### RECORDS AND REPORTS

10. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rule 62-213.440(1)(b)2, F.A.C.]
11. Emissions Computation and Reporting:
  - a. *Applicability*. This rule sets forth required methodologies to be used by the owner or operator of a facility for computing actual emissions, baseline actual emissions, and net emissions increase, as defined at Rule 62-210.200, F.A.C., and for computing emissions for purposes of the reporting requirements of subsection 62-210.370(3) and paragraph 62-212.300(1)(e), F.A.C., or of any permit condition that requires emissions be computed in accordance with this rule. This rule is not intended to establish methodologies for determining compliance with the emission



## SECTION 4. APPENDIX C (DRAFT)

### Common Conditions

limitations of any air permit. [Rule 62-210.370(1), F.A.C.]

- b. *Computation of Emissions.* For any of the purposes set forth in subsection 62-210.370(1), F.A.C., the owner or operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection.
- (1) *Basic Approach.* The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit.
- (a) If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology.
- (b) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., but emissions of the pollutant can be computed pursuant to the mass balance methodology of paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is more accurate.
- (c) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate.
- (2) *Continuous Emissions Monitoring System (CEMS).*
- (a) An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided:
- 1) The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or
- 2) The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule.
- (b) Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator:
- 1) A calibrated flow meter that records data on a continuous basis, if available; or
- 2) The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
- (c) The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above.
- (3) *Mass Balance Calculations.*
- (a) An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator:
- 1) Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and
- 2) Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the

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## SECTION 4. APPENDIX C (DRAFT)

### Common Conditions

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process or in the capture and destruction of the pollutant by the unit's air pollution control equipment.

- (b) Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within the range is more accurate.
  - (c) In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period.
- (4) Emission Factors.
- a. An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements.
    - 1) If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
    - 2) Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed.
    - 3) The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available.
  - b. If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process.
- (5) Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions.
- (6) Accounting for Emissions During Periods of Startup and Shutdown. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit.
- (7) Fugitive Emissions. In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the extent quantifiable, associated with such facility or emissions unit.
- (8) Recordkeeping. The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose.

[Rule 62-210.370(2), F.A.C.]

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## SECTION 4. APPENDIX C (DRAFT)

### Common Conditions

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c. *Annual Operating Report for Air Pollutant Emitting Facility*

- (1) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year for the following facilities:
  - a. All Title V sources.
  - b. All synthetic non-Title V sources.
  - c. All facilities with the potential to emit ten (10) tons per year or more of volatile organic compounds or twenty-five (25) tons per year or more of nitrogen oxides and located in an ozone nonattainment area or ozone air quality maintenance area.
  - d. All facilities for which an annual operating report is required by rule or permit.
- (2) Notwithstanding paragraph 62-210.370(3)(a), F.A.C., no annual operating report shall be required for any facility operating under an air general permit.
- (3) The annual operating report shall be submitted to the appropriate Department of Environmental Protection (DEP) division, district or DEP-approved local air pollution control program office by April 1 of the following year, except that the annual operating report for year 2008 shall be submitted by May 1, 2009. If the report is submitted using the Department's electronic annual operating report software, there is no requirement to submit a copy to any DEP or local air program office.
- (4) Emissions shall be computed in accordance with the provisions of subsection 62-210.370(2), F.A.C., for purposes of the annual operating report.
- (5) Facility Relocation. Unless otherwise provided by rule or more stringent permit condition, the owner or operator of a relocatable facility must submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department at least 30 days prior to the relocation. A separate form shall be submitted for each facility in the case of the relocation of multiple facilities which are jointly owned or operated.

[Rule 62-210.370(3), F.A.C.]

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## SECTION 4. APPENDIX D (DRAFT)

### Common Testing Requirements

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Unless otherwise specified in the permit, the following testing requirements apply to all emissions units at the facility.

#### COMPLIANCE TESTING REQUIREMENTS

1. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. [Rule 62-297.310(2), F.A.C.]
2. Applicable Test Procedures - Opacity Compliance Tests: When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:
  - a. For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.
  - b. The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.
  - c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.[Rule 62-297.310(4), F.A.C.]
3. Determination of Process Variables:
  - a. *Required Equipment*. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
  - b. *Accuracy of Equipment*. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.[Rule 62-297.310(5), F.A.C.]
4. Frequency of Compliance Tests: The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.
  - a. *General Compliance Testing*.
    1. The owner or operator of a new or modified emissions unit that is subject to an emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining an operation permit for such emissions unit.
    2. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to sub-subparagraph 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department

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## SECTION 4. APPENDIX D (DRAFT)

### Common Testing Requirements

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shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:

- (a) Did not operate; or
  - (b) In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours,
- 3. During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for visible emissions, if there is an applicable standard.
  - 4. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.
- b. *Special Compliance Tests.* When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

[Rule 62-297.310(7), F.A.C.]

### RECORDS AND REPORTS

- 5. Test Reports: The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report shall provide the following information.
  - a. The type, location, and designation of the emissions unit tested.
  - b. The facility at which the emissions unit is located.
  - c. The owner or operator of the emissions unit.
  - d. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
  - e. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
  - f. The date, starting time and end time of the observation.
  - g. The test procedures used.
  - h. The names of individuals who furnished the process variable data, conducted the test, and prepared the report.
  - i. The applicable emission standard and the resulting maximum allowable emission rate for the emissions unit plus the test result in the same form and unit of measure.
  - j. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

[Rule 62-297.310(8), F.A.C.]

## SECTION 4. APPENDIX JJJJJJ (DRAFT)

### NESHAP SUBPART JJJJJJ: FOR AREA SOURCE INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS

The Boilers EU001 and EU002 shall comply with all applicable requirements of 40 CFR 63, Subpart JJJJJJ: National Emission Standards for Hazardous Air Pollutants – For Area Source Industrial, Commercial, and Institutional Boilers.

The full provisions may be provided in full upon request and are also available beginning at the below web link below:

[Link to Subpart JJJJJJ](#)

#### TABLE 2 TO SUBPART JJJJJJ OF PART 63—WORK PRACTICE STANDARDS, EMISSION REDUCTION MEASURES, AND MANAGEMENT PRACTICES

As stated in §63.11201, you must comply with the following applicable work practice standards, emission reduction measures, and management practices:

If your boiler is in this subcategory . . .	You must meet the following . . .
12. Existing oil-fired boilers with heat input capacity of equal to or less than 5 MMBtu/hr	Conduct an initial tune-up as specified in §63.11214, and conduct a tune-up of the boiler every 5 years as specified in §63.11223.

#### §63.11214 How do I demonstrate initial compliance with the work practice standard, emission reduction measures, and management practice?

- (a) If you own or operate an existing or new coal-fired boiler with a heat input capacity of less than 10 million Btu per hour, you must conduct a performance tune-up according to §63.11223(b) and you must submit a signed statement in the Notification of Compliance Status report that indicates that you conducted a tune-up of the boiler.
- (b) If you own or operate an existing or new biomass-fired boiler or an existing or new oil-fired boiler, you must conduct a performance tune-up according to §63.11223(b) and you must submit a signed statement in the Notification of Compliance Status report that indicates that you conducted a tune-up of the boiler.
- (c) If you own or operate an existing affected boiler with a heat input capacity of 10 million Btu per hour or greater, you must submit a signed certification in the Notification of Compliance Status report that an energy assessment of the boiler and its energy use systems was completed according to Table 2 to this subpart and is an accurate depiction of your facility.
- (d) If you own or operate a boiler subject to emission limits in Table 1 of this subpart, you must minimize the boiler's startup and shutdown periods following the manufacturer's recommended procedures, if available. If manufacturer's recommended procedures are not available, you must follow recommended procedures for a unit of similar design for which manufacturer's recommended procedures are available. You must submit a signed statement in the Notification of Compliance Status report that indicates that you conducted startups and shutdowns according to the manufacturer's recommended procedures or procedures specified for a boiler of similar design if manufacturer's recommended procedures are not available.

[76 FR 15591, Mar. 21, 2011, as amended at 78 FR 7508, Feb. 1, 2013]

## SECTION 4. APPENDIX JJJJJJ (DRAFT)

### NESHAP SUBPART JJJJJJ: FOR AREA SOURCE INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS

#### **§63.11223 How do I demonstrate continuous compliance with the work practice and management practice standards?**

(a) For affected sources subject to the work practice standard or the management practices of a tune-up, you must conduct a performance tune-up according to paragraph (b) of this section and keep records as required in §63.11225(c) to demonstrate continuous compliance. You must conduct the tune-up while burning the type of fuel (or fuels in the case of boilers that routinely burn two types of fuels at the same time) that provided the majority of the heat input to the boiler over the 12 months prior to the tune-up.

(b) Except as specified in paragraphs (c) through (f) of this section, you must conduct a tune-up of the boiler biennially to demonstrate continuous compliance as specified in paragraphs (b)(1) through (7) of this section. Each biennial tune-up must be conducted no more than 25 months after the previous tune-up. For a new or reconstructed boiler, the first biennial tune-up must be no later than 25 months after the initial startup of the new or reconstructed boiler.

- (1) As applicable, inspect the burner, and clean or replace any components of the burner as necessary (you may delay the burner inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection). Units that produce electricity for sale may delay the burner inspection until the first outage, not to exceed 36 months from the previous inspection.
- (2) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available.
- (3) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (you may delay the inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection). Units that produce electricity for sale may delay the inspection until the first outage, not to exceed 36 months from the previous inspection.
- (4) Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any nitrogen oxide requirement to which the unit is subject.
- (5) Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.
- (6) Maintain on-site and submit, if requested by the Administrator, a report containing the information in paragraphs (b)(6)(i) through (iii) of this section.
  - (i) The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler.
  - (ii) A description of any corrective actions taken as a part of the tune-up of the boiler.
  - (iii) The type and amount of fuel used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit.
- (7) If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of startup.

(c) Boilers with an oxygen trim system that maintains an optimum air-to-fuel ratio that would otherwise be subject to a biennial tune-up must conduct a tune-up of the boiler every 5 years as specified in paragraphs (b)(1) through (7) of this section. Each 5-year tune-up must be conducted no more than 61 months after the previous tune-up. For a new or reconstructed boiler with an oxygen trim system, the first 5-year tune-up must be no later than 61 months after the initial startup. You may delay the burner inspection specified in paragraph (b)(1) of this section and inspection of the system controlling the air-to-fuel ratio specified in paragraph (b)(3) of this section until the next scheduled unit shutdown, but you must inspect each burner and system controlling the air-to-fuel ratio at least once every 72 months.

#### SECTION 4. APPENDIX JJJJJJ (DRAFT)

#### NESHAP SUBPART JJJJJJ: FOR AREA SOURCE INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS

(d) Seasonal boilers must conduct a tune-up every 5 years as specified in paragraphs (b)(1) through (7) of this section. Each 5-year tune-up must be conducted no more than 61 months after the previous tune-up. For a new or reconstructed seasonal boiler, the first 5-year tune-up must be no later than 61 months after the initial startup. You may delay the burner inspection specified in paragraph (b)(1) of this section and inspection of the system controlling the air-to-fuel ratio specified in paragraph (b)(3) of this section until the next scheduled unit shutdown, but you must inspect each burner and system controlling the air-to-fuel ratio at least once every 72 months. Seasonal boilers are not subject to the emission limits in Table 1 to this subpart or the operating limits in Table 3 to this subpart.

(e) Oil-fired boilers with a heat input capacity of equal to or less than 5 million Btu per hour must conduct a tuneup every 5 years as specified in paragraphs (b)(1) through (7) of this section. Each 5-year tune-up must be conducted no more than 61 months after the previous tune-up. For a new or reconstructed oil-fired boiler with a heat input capacity of equal to or less than 5 million Btu per hour, the first 5-year tune-up must be no later than 61 months after the initial startup. You may delay the burner inspection specified in paragraph (b)(1) of this section and inspection of the system controlling the air-to-fuel ratio specified in paragraph (b)(3) of this section until the next scheduled unit shutdown, but you must inspect each burner and system controlling the air-to-fuel ratio at least once every 72 months.

(f) Limited-use boilers must conduct a tune-up every 5 years as specified in paragraphs (b)(1) through (7) of this section. Each 5-year tune-up must be conducted no more than 61 months after the previous tune-up. For a new or reconstructed limited-use boiler, the first 5-year tune-up must be no later than 61 months after the initial startup. You may delay the burner inspection specified in paragraph (b)(1) of this section and inspection of the system controlling the air-to-fuel ratio specified in paragraph (b)(3) of this section until the next scheduled unit shutdown, but you must inspect each burner and system controlling the air-to-fuel ratio at least once every 72 months. Limited-use boilers are not subject to the emission limits in Table 1 to this subpart, the energy assessment requirements in Table 2 to this subpart, or the operating limits in Table 3 to this subpart.

(g) If you own or operate a boiler subject to emission limits in Table 1 of this subpart, you must minimize the boiler's startup and shutdown periods following the manufacturer's recommended procedures, if available. If manufacturer's recommended procedures are not available, you must follow recommended procedures for a unit of similar design for which manufacturer's recommended procedures are available. You must submit a signed statement in the Notification of Compliance Status report that indicates that you conducted startups and shutdowns according to the manufacturer's recommended procedures or procedures specified for a boiler of similar design if manufacturer's recommended procedures are not available.

[76 FR 15591, Mar. 21, 2011, as amended at 78 FR 7509, Feb. 1, 2013]



### **Federal Regulations Adopted by Reference**

In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.

*Federal Revision Date: June 2, 2008*

*Rule Effective Date: October 1, 2008*

*Standardized Conditions Revision Date: October 10, 2008*

### **40 CFR Part 60, Subpart VVa—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006**

**Source:** 72 FR 64883, Nov. 16, 2007, unless otherwise noted.

#### **§ 60.480a Applicability and designation of affected facility.**

(a)

- (1) The provisions of this subpart apply to affected facilities in the synthetic organic chemicals manufacturing industry.
- (2) The group of all equipment (defined in §60.481a) within a process unit is an affected facility.
- (b) Any affected facility under paragraph (a) of this section that commences construction, reconstruction, or modification after November 7, 2006, shall be subject to the requirements of this subpart.
- (c) Addition or replacement of equipment for the purpose of process improvement which is accomplished without a capital expenditure shall not by itself be considered a modification under this subpart.
- (d)
  - (1) If an owner or operator applies for one or more of the exemptions in this paragraph, then the owner or operator shall maintain records as required in §60.486a(i).
  - (2) Any affected facility that has the design capacity to produce less than 1,000 Mg/yr (1,102 ton/yr) of a chemical listed in §60.489 is exempt from §§60.482–1a through 60.482–11a.
  - (3) If an affected facility produces heavy liquid chemicals only from heavy liquid feed or raw materials, then it is exempt from §§60.482–1a through 60.482–11a.
  - (4) Any affected facility that produces beverage alcohol is exempt from §§60.482–1a through 60.482–11a.
  - (5) Any affected facility that has no equipment in volatile organic compounds (VOC) service is exempt from §§60.482–1a through 60.482–11a.

(e) *Alternative means of compliance*

(1) *Option to comply with part 65:*

(i) Owners or operators may choose to comply with the provisions of 40 CFR part 65, subpart F, to satisfy the requirements of §§60.482–1a through 60.487a for an affected facility. When choosing to comply with 40 CFR part 65, subpart F, the requirements of §§60.485a(d), (e), and (f), and 60.486a(i) and (j) still apply. Other provisions applying to an owner or operator who chooses to comply with 40 CFR part 65 are provided in 40 CFR 65.1.

(ii) *Part 60, subpart A.* Owners or operators who choose to comply with 40 CFR part 65, subpart F must also comply with §§60.1, 60.2, 60.5, 60.6, 60.7(a)(1) and (4), 60.14, 60.15, and 60.16 for that equipment. All sections and paragraphs of subpart A of this part that are not mentioned in this paragraph (e)(1)(ii) do not apply to owners or operators of equipment subject to this subpart complying with 40 CFR part 65, subpart F, except that provisions required to be met prior to implementing 40 CFR part 65 still apply. Owners and operators who choose to comply with 40 CFR part 65, subpart F, must comply with 40 CFR part 65, subpart A.

(2) *Part 63, subpart H.*

(i) Owners or operators may choose to comply with the provisions of 40 CFR part 63, subpart H, to satisfy the requirements of §§60.482–1a through 60.487a for an affected facility. When choosing to comply with 40 CFR part 63, subpart H, the requirements of §60.485a(d), (e), and (f), and §60.486a(i) and (j) still apply.

(ii) *Part 60, subpart A.* Owners or operators who choose to comply with 40 CFR part 63, subpart H must also comply with §§60.1, 60.2, 60.5, 60.6, 60.7(a)(1) and (4), 60.14, 60.15, and 60.16 for that equipment. All sections and paragraphs of subpart A of this part that are not mentioned in this paragraph (e)(2)(ii) do not apply to owners or operators of equipment subject to this subpart complying with 40 CFR part 63, subpart H, except that provisions required to be met prior to implementing 40 CFR part 63 still apply. Owners and operators who choose to comply with 40 CFR part 63, subpart H, must comply with 40 CFR part 63, subpart A.

(f) *Stay of standards.*

(1) Owners or operators that start a new, reconstructed, or modified affected source prior to November 16, 2007 are not required to comply with the requirements in this paragraph until EPA takes final action to require compliance and publishes a document in the Federal Register.

(i) The definition of “capital expenditure” in §60.481a of this subpart. While the definition of “capital expenditure” is stayed, owners or operators should use the definition found in §60.481 of subpart VV of this part.

(ii) [Reserved]

(2) Owners or operators are not required to comply with the requirements in this paragraph until EPA takes final action to require compliance and publishes a document in the Federal Register.

(i) The definition of “process unit” in §60.481a of this subpart. While the definition of “process unit” is stayed, owners or operators should use the following definition:

*Process unit* means components assembled to produce, as intermediate or final products, one or more of the chemicals listed in §60.489 of this part. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

(ii) The method of allocation of shared storage vessels in §60.482–1a(g) of this subpart.

(iii) The standards for connectors in gas/vapor service and in light liquid service in §60.482–11a of this subpart.

[72 FR 64883, Nov. 16, 2007, as amended at 73 FR 31375, June 2, 2008]

#### **§ 60.481a Definitions.**

As used in this subpart, all terms not defined herein shall have the meaning given them in the Clean Air Act (CAA) or in subpart A of part 60, and the following terms shall have the specific meanings given them.

*Capital expenditure* means, in addition to the definition in 40 CFR 60.2, an expenditure for a physical or operational change to an existing facility that:

(a) Exceeds P, the product of the facility's replacement cost, R, and an adjusted annual asset guideline repair allowance, A, as reflected by the following equation:  $P = R \times A$ , where:

(1) The adjusted annual asset guideline repair allowance, A, is the product of the percent of the replacement cost, Y, and the applicable basic annual asset guideline repair allowance, B, divided by 100 as reflected by the following equation:

$$A = Y \times (B \div 100);$$

(2) The percent Y is determined from the following equation:  $Y = 1.0 - 0.575 \log X$ , where X is 2006 minus the year of construction; and

(3) The applicable basic annual asset guideline repair allowance, B, is selected from the following table consistent with the applicable subpart:

**Table for Determining Applicable Value for B**

Subpart applicable to facility	Value of B to be used in equation
VVa	12.5

*Closed-loop system* means an enclosed system that returns process fluid to the process.

*Closed-purge system* means a system or combination of systems and portable containers to capture purged liquids. Containers for purged liquids must be covered or closed when not being filled or emptied.

*Closed vent system* means a system that is not open to the atmosphere and that is composed of hard-piping, ductwork, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device or back to a process.

*Connector* means flanged, screwed, or other joined fittings used to connect two pipe lines or a pipe line and a piece of process equipment or that close an opening in a pipe that could be connected to another pipe. Joined fittings welded completely around the circumference of the interface are not considered connectors for the purpose of this regulation.

*Control device* means an enclosed combustion device, vapor recovery system, or flare.

*Distance piece* means an open or enclosed casing through which the piston rod travels, separating the compressor cylinder from the crankcase.

*Double block and bleed system* means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

*Duct work* means a conveyance system such as those commonly used for heating and ventilation systems. It is often made of sheet metal and often has sections connected by screws or crimping. Hard-piping is not ductwork.

*Equipment* means each pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, valve, and flange or other connector in VOC service and any devices or systems required by this subpart.

*First attempt at repair* means to take action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

*Fuel gas* means gases that are combusted to derive useful work or heat.

*Fuel gas system* means the offsite and onsite piping and flow and pressure control system that gathers gaseous stream(s) generated by onsite operations, may blend them with other sources of gas, and transports the gaseous stream for use as fuel gas in combustion devices or in-process combustion equipment, such as furnaces and gas turbines, either singly or in combination.

*Hard-piping* means pipe or tubing that is manufactured and properly installed using good engineering judgment and standards such as ASME B31.3, Process Piping (available from the American Society of Mechanical Engineers, P.O. Box 2300, Fairfield, NJ 07007-2300).

*In gas/vapor service* means that the piece of equipment contains process fluid that is in the gaseous state at operating conditions.

*In heavy liquid service* means that the piece of equipment is not in gas/vapor service or in light liquid service.

*In light liquid service* means that the piece of equipment contains a liquid that meets the conditions specified in §60.485a(e).

*In-situ sampling systems* means nonextractive samplers or in-line samplers.

*In vacuum service* means that equipment is operating at an internal pressure which is at least 5 kilopascals (kPa) (0.7 psia) below ambient pressure.

*In VOC service* means that the piece of equipment contains or contacts a process fluid that is at least 10 percent VOC by weight. (The provisions of §60.485a(d) specify how to determine that a piece of equipment is not in VOC service.)

*Initial calibration value* means the concentration measured during the initial calibration at the beginning of each day required in §60.485a(b)(1), or the most recent calibration if the instrument is recalibrated during the day (i.e., the calibration is adjusted) after a calibration drift assessment.

*Liquids dripping* means any visible leakage from the seal including spraying, misting, clouding, and ice formation.

*Open-ended valve or line* means any valve, except safety relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

*Pressure release means* the emission of materials resulting from system pressure being greater than set pressure of the pressure relief device.

*Process improvement means* routine changes made for safety and occupational health requirements, for energy savings, for better utility, for ease of maintenance and operation, for correction of design deficiencies, for bottleneck removal, for changing product requirements, or for environmental control.

*Process unit means* the components assembled and connected by pipes or ducts to process raw materials and to produce, as intermediate or final products, one or more of the chemicals listed in §60.489. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product. For the purpose of this subpart, process unit includes any feed, intermediate and final product storage vessels (except as specified in §60.482–1a(g)), product transfer racks, and connected ducts and piping. A process unit includes all equipment as defined in this subpart.

*Process unit shutdown means* a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be accomplished. The following are not considered process unit shutdowns:

- (1) An unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours.
- (2) An unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown.
- (3) The use of spare equipment and technically feasible bypassing of equipment without stopping production.

*Quarter means* a 3-month period; the first quarter concludes on the last day of the last full month during the 180 days following initial startup.

*Repaired means* that equipment is adjusted, or otherwise altered, in order to eliminate a leak as defined in the applicable sections of this subpart and, except for leaks identified in accordance with §§60.482–2a(b)(2)(ii) and (d)(6)(ii) and (d)(6)(iii), 60.482–3a(f), and 60.482–10a(f)(1)(ii), is re-monitored as specified in §60.485a(b) to verify that emissions from the equipment are below the applicable leak definition.

*Replacement cost means* the capital needed to purchase all the depreciable components in a facility.

*Sampling connection system means* an assembly of equipment within a process unit used during periods of representative operation to take samples of the process fluid. Equipment used to take nonroutine grab samples is not considered a sampling connection system.

*Sensor means* a device that measures a physical quantity or the change in a physical quantity such as temperature, pressure, flow rate, pH, or liquid level.

*Storage vessel means* a tank or other vessel that is used to store organic liquids that are used in the process as raw material feedstocks, produced as intermediates or final products, or generated as wastes. Storage vessel does not include vessels permanently attached to motor vehicles, such as trucks, railcars, barges or ships.

*Synthetic organic chemicals manufacturing industry means* the industry that produces, as intermediates or final products, one or more of the chemicals listed in §60.489.

*Transfer rack means* the collection of loading arms and loading hoses, at a single loading rack, that are used to fill tank trucks and/or railcars with organic liquids.

*Volatile organic compounds or VOC means*, for the purposes of this subpart, any reactive organic compounds as defined in §60.2 Definitions.

**Effective Date Note:** At 73 FR 31376, June 2, 2008, in §60.481a, the definitions of “capital expenditure” and “process unit” were stayed until further notice.

**§ 60.482-1a Standards: General.**

- (a) Each owner or operator subject to the provisions of this subpart shall demonstrate compliance with the requirements of §§60.482–1a through 60.482–10a or §60.480a(e) for all equipment within 180 days of initial startup.
- (b) Compliance with §§60.482–1a to 60.482–10a will be determined by review of records and reports, review of performance test results, and inspection using the methods and procedures specified in §60.485a.
- (c)
- (1) An owner or operator may request a determination of equivalence of a means of emission limitation to the requirements of §§60.482–2a, 60.482–3a, 60.482–5a, 60.482–6a, 60.482–7a, 60.482–8a, and 60.482–10a as provided in §60.484a.
- (2) If the Administrator makes a determination that a means of emission limitation is at least equivalent to the requirements of §§60.482–2a, 60.482–3a, 60.482–5a, 60.482–6a, 60.482–7a, 60.482–8a, or 60.482–10a, an owner or operator shall comply with the requirements of that determination.
- (d) Equipment that is in vacuum service is excluded from the requirements of §§60.482–2a through 60.482–10a if it is identified as required in §60.486a(e)(5).
- (e) Equipment that an owner or operator designates as being in VOC service less than 300 hr/yr is excluded from the requirements of §§60.482–2a through 60.482–11a if it is identified as required in §60.486a(e)(6) and it meets any of the conditions specified in paragraphs (e)(1) through (3) of this section.
- (1) The equipment is in VOC service only during startup and shutdown, excluding startup and shutdown between batches of the same campaign for a batch process.
- (2) The equipment is in VOC service only during process malfunctions or other emergencies.
- (3) The equipment is backup equipment that is in VOC service only when the primary equipment is out of service.
- (f)
- (1) If a dedicated batch process unit operates less than 365 days during a year, an owner or operator may monitor to detect leaks from pumps, valves, and open-ended valves or lines at the frequency specified in the following table instead of monitoring as specified in §§60.482–2a, 60.482–7a, and 60.483.2a:

Operating time (percent of hours during year)	Equivalent monitoring frequency time in use		
	Monthly	Quarterly	Semiannually
0 to <25	Quarterly	Annually	Annually.
25 to <50	Quarterly	Semiannually	Annually.
50 to <75	Bimonthly	Three quarters	Semiannually.
75 to 100	Monthly	Quarterly	Semiannually.

- (2) Pumps and valves that are shared among two or more batch process units that are subject to this subpart may be monitored at the frequencies specified in paragraph (f)(1) of this section, provided the operating time of all such process units is considered.
- (3) The monitoring frequencies specified in paragraph (f)(1) of this section are not requirements for monitoring at specific intervals and can be adjusted to accommodate process operations. An owner or operator may monitor at any time during the specified monitoring period (e.g., month, quarter, year), provided the monitoring is conducted at a reasonable interval after completion of the last monitoring campaign. Reasonable intervals are defined in paragraphs (f)(3)(i) through (iv) of this section.
- (i) When monitoring is conducted quarterly, monitoring events must be separated by at least 30 calendar days.
- (ii) When monitoring is conducted semiannually ( *i.e.* , once every 2 quarters), monitoring events must be separated by at least 60 calendar days.
- (iii) When monitoring is conducted in 3 quarters per year, monitoring events must be separated by at least 90 calendar days.
- (iv) When monitoring is conducted annually, monitoring events must be separated by at least 120 calendar days.

(g) If the storage vessel is shared with multiple process units, the process unit with the greatest annual amount of stored materials (predominant use) is the process unit the storage vessel is assigned to. If the storage vessel is shared equally among process units, and one of the process units has equipment subject to this subpart, the storage vessel is assigned to that process unit. If the storage vessel is shared equally among process units, none of which have equipment subject to this subpart of this part, the storage vessel is assigned to any process unit subject to subpart VV of this part. If the predominant use of the storage vessel varies from year to year, then the owner or operator must estimate the predominant use initially and reassess every 3 years. The owner or operator must keep records of the information and supporting calculations that show how predominant use is determined. All equipment on the storage vessel must be monitored when in VOC service.

**Effective Date Note:** At 73 FR 31376, June 2, 2008, in §60.482–1a, paragraph (g) was stayed until further notice.

**§ 60.482-2a Standards: Pumps in light liquid service.**

(a)

(1) Each pump in light liquid service shall be monitored monthly to detect leaks by the methods specified in §60.485a(b), except as provided in §60.482–1a(c) and (f) and paragraphs (d), (e), and (f) of this section. A pump that begins operation in light liquid service after the initial startup date for the process unit must be monitored for the first time within 30 days after the end of its startup period, except for a pump that replaces a leaking pump and except as provided in §60.482–1a(c) and paragraphs (d), (e), and (f) of this section.

(2) Each pump in light liquid service shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal, except as provided in §60.482–1a(f).

(b)

(1) The instrument reading that defines a leak is specified in paragraphs (b)(1)(i) and (ii) of this section.

(i) 5,000 parts per million (ppm) or greater for pumps handling polymerizing monomers;

(ii) 2,000 ppm or greater for all other pumps.

(2) If there are indications of liquids dripping from the pump seal, the owner or operator shall follow the procedure specified in either paragraph (b)(2)(i) or (ii) of this section. This requirement does not apply to a pump that was monitored after a previous weekly inspection and the instrument reading was less than the concentration specified in paragraph (b)(1)(i) or (ii) of this section, whichever is applicable.

(i) Monitor the pump within 5 days as specified in §60.485a(b). A leak is detected if the instrument reading measured during monitoring indicates a leak as specified in paragraph (b)(1)(i) or (ii) of this section, whichever is applicable. The leak shall be repaired using the procedures in paragraph (c) of this section.

(ii) Designate the visual indications of liquids dripping as a leak, and repair the leak using either the procedures in paragraph (c) of this section or by eliminating the visual indications of liquids dripping.

(c)

(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in §60.482–9a.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected. First attempts at repair include, but are not limited to, the practices described in paragraphs (c)(2)(i) and (ii) of this section, where practicable.

(i) Tightening the packing gland nuts;

(ii) Ensuring that the seal flush is operating at design pressure and temperature.

(d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of paragraph (a) of this section, provided the requirements specified in paragraphs (d)(1) through (6) of this section are met.

(1) Each dual mechanical seal system is:

(i) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressure; or

(ii) Equipped with a barrier fluid degassing reservoir that is routed to a process or fuel gas system or connected by a closed vent system to a control device that complies with the requirements of §60.482–10a; or

- (iii) Equipped with a system that purges the barrier fluid into a process stream with zero VOC emissions to the atmosphere.
- (2) The barrier fluid system is in heavy liquid service or is not in VOC service.
- (3) Each barrier fluid system is equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.
- (4)
  - (i) Each pump is checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.
  - (ii) If there are indications of liquids dripping from the pump seal at the time of the weekly inspection, the owner or operator shall follow the procedure specified in either paragraph (d)(4)(ii)(A) or (B) of this section prior to the next required inspection.
    - (A) Monitor the pump within 5 days as specified in §60.485a(b) to determine if there is a leak of VOC in the barrier fluid. If an instrument reading of 2,000 ppm or greater is measured, a leak is detected.
    - (B) Designate the visual indications of liquids dripping as a leak.
- (5)
  - (i) Each sensor as described in paragraph (d)(3) is checked daily or is equipped with an audible alarm.
  - (ii) The owner or operator determines, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
  - (iii) If the sensor indicates failure of the seal system, the barrier fluid system, or both, based on the criterion established in paragraph (d)(5)(ii) of this section, a leak is detected.
- (6)
  - (i) When a leak is detected pursuant to paragraph (d)(4)(ii)(A) of this section, it shall be repaired as specified in paragraph (c) of this section.
  - (ii) A leak detected pursuant to paragraph (d)(5)(iii) of this section shall be repaired within 15 days of detection by eliminating the conditions that activated the sensor.
  - (iii) A designated leak pursuant to paragraph (d)(4)(ii)(B) of this section shall be repaired within 15 days of detection by eliminating visual indications of liquids dripping.
- (e) Any pump that is designated, as described in §60.486a(e)(1) and (2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraphs (a), (c), and (d) of this section if the pump:
  - (1) Has no externally actuated shaft penetrating the pump housing;
  - (2) Is demonstrated to be operating with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in §60.485a(c); and
  - (3) Is tested for compliance with paragraph (e)(2) of this section initially upon designation, annually, and at other times requested by the Administrator.
- (f) If any pump is equipped with a closed vent system capable of capturing and transporting any leakage from the seal or seals to a process or to a fuel gas system or to a control device that complies with the requirements of §60.482–10a, it is exempt from paragraphs (a) through (e) of this section.
- (g) Any pump that is designated, as described in §60.486a(f)(1), as an unsafe-to-monitor pump is exempt from the monitoring and inspection requirements of paragraphs (a) and (d)(4) through (6) of this section if:
  - (1) The owner or operator of the pump demonstrates that the pump is unsafe-to-monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraph (a) of this section; and
  - (2) The owner or operator of the pump has a written plan that requires monitoring of the pump as frequently as practicable during safe-to-monitor times, but not more frequently than the periodic monitoring schedule otherwise applicable, and repair of the equipment according to the procedures in paragraph (c) of this section if a leak is detected.

(h) Any pump that is located within the boundary of an unmanned plant site is exempt from the weekly visual inspection requirement of paragraphs (a)(2) and (d)(4) of this section, and the daily requirements of paragraph (d)(5) of this section, provided that each pump is visually inspected as often as practicable and at least monthly.

**§ 60.482-3a Standards: Compressors.**

(a) Each compressor shall be equipped with a seal system that includes a barrier fluid system and that prevents leakage of VOC to the atmosphere, except as provided in §60.482-1a(c) and paragraphs (h), (i), and (j) of this section.

(b) Each compressor seal system as required in paragraph (a) of this section shall be:

- (1) Operated with the barrier fluid at a pressure that is greater than the compressor stuffing box pressure; or
- (2) Equipped with a barrier fluid system degassing reservoir that is routed to a process or fuel gas system or connected by a closed vent system to a control device that complies with the requirements of §60.482-10a; or

(3) Equipped with a system that purges the barrier fluid into a process stream with zero VOC emissions to the atmosphere.

(c) The barrier fluid system shall be in heavy liquid service or shall not be in VOC service.

(d) Each barrier fluid system as described in paragraph (a) shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

(e)

(1) Each sensor as required in paragraph (d) of this section shall be checked daily or shall be equipped with an audible alarm.

(2) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

(f) If the sensor indicates failure of the seal system, the barrier system, or both based on the criterion determined under paragraph (e)(2) of this section, a leak is detected.

(g)

(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in §60.482-9a.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(h) A compressor is exempt from the requirements of paragraphs (a) and (b) of this section, if it is equipped with a closed vent system to capture and transport leakage from the compressor drive shaft back to a process or fuel gas system or to a control device that complies with the requirements of §60.482-10a, except as provided in paragraph (i) of this section.

(i) Any compressor that is designated, as described in §60.486a(e)(1) and (2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraphs (a) through (h) of this section if the compressor:

(1) Is demonstrated to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the methods specified in §60.485a(c); and

(2) Is tested for compliance with paragraph (i)(1) of this section initially upon designation, annually, and at other times requested by the Administrator.

(j) Any existing reciprocating compressor in a process unit which becomes an affected facility under provisions of §60.14 or §60.15 is exempt from paragraphs (a) through (e) and (h) of this section, provided the owner or operator demonstrates that recasting the distance piece or replacing the compressor are the only options available to bring the compressor into compliance with the provisions of paragraphs (a) through (e) and (h) of this section.

**§ 60.482-4a Standards: Pressure relief devices in gas/vapor service.**

(a) Except during pressure releases, each pressure relief device in gas/vapor service shall be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as determined by the methods specified in §60.485a(c).

(b)



- (1) After each pressure release, the pressure relief device shall be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than 5 calendar days after the pressure release, except as provided in §60.482–9a.
- (2) No later than 5 calendar days after the pressure release, the pressure relief device shall be monitored to confirm the conditions of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, by the methods specified in §60.485a(c).
- (c) Any pressure relief device that is routed to a process or fuel gas system or equipped with a closed vent system capable of capturing and transporting leakage through the pressure relief device to a control device as described in §60.482–10a is exempted from the requirements of paragraphs (a) and (b) of this section.
- (d)
  - (1) Any pressure relief device that is equipped with a rupture disk upstream of the pressure relief device is exempt from the requirements of paragraphs (a) and (b) of this section, provided the owner or operator complies with the requirements in paragraph (d)(2) of this section.
  - (2) After each pressure release, a new rupture disk shall be installed upstream of the pressure relief device as soon as practicable, but no later than 5 calendar days after each pressure release, except as provided in §60.482–9a.

**§ 60.482-5a Standards: Sampling connection systems.**

- (a) Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed-vent system, except as provided in §60.482–1a(c) and paragraph (c) of this section.
- (b) Each closed-purge, closed-loop, or closed-vent system as required in paragraph (a) of this section shall comply with the requirements specified in paragraphs (b)(1) through (4) of this section.
  - (1) Gases displaced during filling of the sample container are not required to be collected or captured.
  - (2) Containers that are part of a closed-purge system must be covered or closed when not being filled or emptied.
  - (3) Gases remaining in the tubing or piping between the closed-purge system valve(s) and sample container valve(s) after the valves are closed and the sample container is disconnected are not required to be collected or captured.
  - (4) Each closed-purge, closed-loop, or closed-vent system shall be designed and operated to meet requirements in either paragraph (b)(4)(i), (ii), (iii), or (iv) of this section.
    - (i) Return the purged process fluid directly to the process line.
    - (ii) Collect and recycle the purged process fluid to a process.
    - (iii) Capture and transport all the purged process fluid to a control device that complies with the requirements of §60.482–10a.
    - (iv) Collect, store, and transport the purged process fluid to any of the following systems or facilities:
      - (A) A waste management unit as defined in 40 CFR 63.111, if the waste management unit is subject to and operated in compliance with the provisions of 40 CFR part 63, subpart G, applicable to Group 1 wastewater streams;
      - (B) A treatment, storage, or disposal facility subject to regulation under 40 CFR part 262, 264, 265, or 266;
      - (C) A facility permitted, licensed, or registered by a state to manage municipal or industrial solid waste, if the process fluids are not hazardous waste as defined in 40 CFR part 261;
      - (D) A waste management unit subject to and operated in compliance with the treatment requirements of 40 CFR 61.348(a), provided all waste management units that collect, store, or transport the purged process fluid to the treatment unit are subject to and operated in compliance with the management requirements of 40 CFR 61.343 through 40 CFR 61.347; or
      - (E) A device used to burn off-specification used oil for energy recovery in accordance with 40 CFR part 279, subpart G, provided the purged process fluid is not hazardous waste as defined in 40 CFR part 261.
- (c) In-situ sampling systems and sampling systems without purges are exempt from the requirements of paragraphs (a) and (b) of this section.

**§ 60.482-6a Standards: Open-ended valves or lines.**

(a)

- (1) Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except as provided in §60.482–1a(c) and paragraphs (d) and (e) of this section.
- (2) The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line.
- (b) Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the process fluid end is closed before the second valve is closed.
- (c) When a double block-and-bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply with paragraph (a) of this section at all other times.
- (d) Open-ended valves or lines in an emergency shutdown system which are designed to open automatically in the event of a process upset are exempt from the requirements of paragraphs (a), (b), and (c) of this section.
- (e) Open-ended valves or lines containing materials which would autocatalytically polymerize or would present an explosion, serious overpressure, or other safety hazard if capped or equipped with a double block and bleed system as specified in paragraphs (a) through (c) of this section are exempt from the requirements of paragraphs (a) through (c) of this section.

**§ 60.482-7a Standards: Valves in gas/vapor service and in light liquid service.**

(a)

- (1) Each valve shall be monitored monthly to detect leaks by the methods specified in §60.485a(b) and shall comply with paragraphs (b) through (e) of this section, except as provided in paragraphs (f), (g), and (h) of this section, §60.482–1a(c) and (f), and §§60.483–1a and 60.483–2a.
- (2) A valve that begins operation in gas/vapor service or light liquid service after the initial startup date for the process unit must be monitored according to paragraphs (a)(2)(i) or (ii), except for a valve that replaces a leaking valve and except as provided in paragraphs (f), (g), and (h) of this section, §60.482–1a(c), and §§60.483–1a and 60.483–2a.
- (i) Monitor the valve as in paragraph (a)(1) of this section. The valve must be monitored for the first time within 30 days after the end of its startup period to ensure proper installation.
- (ii) If the existing valves in the process unit are monitored in accordance with §60.483–1a or §60.483–2a, count the new valve as leaking when calculating the percentage of valves leaking as described in §60.483–2a(b)(5). If less than 2.0 percent of the valves are leaking for that process unit, the valve must be monitored for the first time during the next scheduled monitoring event for existing valves in the process unit or within 90 days, whichever comes first.
- (b) If an instrument reading of 500 ppm or greater is measured, a leak is detected.
- (c)
- (1)
- (i) Any valve for which a leak is not detected for 2 successive months may be monitored the first month of every quarter, beginning with the next quarter, until a leak is detected.
- (ii) As an alternative to monitoring all of the valves in the first month of a quarter, an owner or operator may elect to subdivide the process unit into two or three subgroups of valves and monitor each subgroup in a different month during the quarter, provided each subgroup is monitored every 3 months. The owner or operator must keep records of the valves assigned to each subgroup.
- (2) If a leak is detected, the valve shall be monitored monthly until a leak is not detected for 2 successive months.
- (d)
- (1) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in §60.482–9a.
- (2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.
- (e) First attempts at repair include, but are not limited to, the following best practices where practicable:

- (1) Tightening of bonnet bolts;
  - (2) Replacement of bonnet bolts;
  - (3) Tightening of packing gland nuts;
  - (4) Injection of lubricant into lubricated packing.
- (f) Any valve that is designated, as described in §60.486a(e)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraph (a) of this section if the valve:
- (1) Has no external actuating mechanism in contact with the process fluid,
  - (2) Is operated with emissions less than 500 ppm above background as determined by the method specified in §60.485a(c), and
  - (3) Is tested for compliance with paragraph (f)(2) of this section initially upon designation, annually, and at other times requested by the Administrator.
- (g) Any valve that is designated, as described in §60.486a(f)(1), as an unsafe-to-monitor valve is exempt from the requirements of paragraph (a) of this section if:
- (1) The owner or operator of the valve demonstrates that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraph (a) of this section, and
  - (2) The owner or operator of the valve adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.
- (h) Any valve that is designated, as described in §60.486a(f)(2), as a difficult-to-monitor valve is exempt from the requirements of paragraph (a) of this section if:
- (1) The owner or operator of the valve demonstrates that the valve cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface.
  - (2) The process unit within which the valve is located either:
    - (i) Becomes an affected facility through §60.14 or §60.15 and was constructed on or before January 5, 1981; or
    - (ii) Has less than 3.0 percent of its total number of valves designated as difficult-to-monitor by the owner or operator.
  - (3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

**§ 60.482-8a Standards: Pumps, valves, and connectors in heavy liquid service and pressure relief devices in light liquid or heavy liquid service.**

- (a) If evidence of a potential leak is found by visual, audible, olfactory, or any other detection method at pumps, valves, and connectors in heavy liquid service and pressure relief devices in light liquid or heavy liquid service, the owner or operator shall follow either one of the following procedures:
- (1) The owner or operator shall monitor the equipment within 5 days by the method specified in §60.485a(b) and shall comply with the requirements of paragraphs (b) through (d) of this section.
  - (2) The owner or operator shall eliminate the visual, audible, olfactory, or other indication of a potential leak within 5 calendar days of detection.
- (b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- (c)
- (1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in §60.482-9a.
  - (2) The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.
- (d) First attempts at repair include, but are not limited to, the best practices described under §§60.482-2a(c)(2) and 60.482-7a(e).

**§ 60.482-9a Standards: Delay of repair.**

- (a) Delay of repair of equipment for which leaks have been detected will be allowed if repair within 15 days is technically infeasible without a process unit shutdown. Repair of this equipment shall occur before the end of the next process unit shutdown. Monitoring to verify repair must occur within 15 days after startup of the process unit.
- (b) Delay of repair of equipment will be allowed for equipment which is isolated from the process and which does not remain in VOC service.
- (c) Delay of repair for valves and connectors will be allowed if:
  - (1) The owner or operator demonstrates that emissions of purged material resulting from immediate repair are greater than the fugitive emissions likely to result from delay of repair, and
  - (2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with §60.482-10a.
- (d) Delay of repair for pumps will be allowed if:
  - (1) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system, and
  - (2) Repair is completed as soon as practicable, but not later than 6 months after the leak was detected.
- (e) Delay of repair beyond a process unit shutdown will be allowed for a valve, if valve assembly replacement is necessary during the process unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next process unit shutdown will not be allowed unless the next process unit shutdown occurs sooner than 6 months after the first process unit shutdown.
- (f) When delay of repair is allowed for a leaking pump, valve, or connector that remains in service, the pump, valve, or connector may be considered to be repaired and no longer subject to delay of repair requirements if two consecutive monthly monitoring instrument readings are below the leak definition.

**§ 60.482-10a Standards: Closed vent systems and control devices.**

- (a) Owners or operators of closed vent systems and control devices used to comply with provisions of this subpart shall comply with the provisions of this section.
- (b) Vapor recovery systems (for example, condensers and absorbers) shall be designed and operated to recover the VOC emissions vented to them with an efficiency of 95 percent or greater, or to an exit concentration of 20 parts per million by volume (ppmv), whichever is less stringent.
- (c) Enclosed combustion devices shall be designed and operated to reduce the VOC emissions vented to them with an efficiency of 95 percent or greater, or to an exit concentration of 20 ppmv, on a dry basis, corrected to 3 percent oxygen, whichever is less stringent or to provide a minimum residence time of 0.75 seconds at a minimum temperature of 816 °C.
- (d) Flares used to comply with this subpart shall comply with the requirements of §60.18.
- (e) Owners or operators of control devices used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs.
- (f) Except as provided in paragraphs (i) through (k) of this section, each closed vent system shall be inspected according to the procedures and schedule specified in paragraphs (f)(1)(i) and (ii) of this section.
  - (1) If the vapor collection system or closed vent system is constructed of hard-piping, the owner or operator shall comply with the requirements specified in paragraphs (f)(1)(i) and (ii) of this section:
    - (i) Conduct an initial inspection according to the procedures in §60.485a(b); and
    - (ii) Conduct annual visual inspections for visible, audible, or olfactory indications of leaks.
  - (2) If the vapor collection system or closed vent system is constructed of ductwork, the owner or operator shall:
    - (i) Conduct an initial inspection according to the procedures in §60.485a(b); and
    - (ii) Conduct annual inspections according to the procedures in §60.485a(b).

(g) Leaks, as indicated by an instrument reading greater than 500 ppmv above background or by visual inspections, shall be repaired as soon as practicable except as provided in paragraph (h) of this section.

(1) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(2) Repair shall be completed no later than 15 calendar days after the leak is detected.

(h) Delay of repair of a closed vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment shall be complete by the end of the next process unit shutdown.

(i) If a vapor collection system or closed vent system is operated under a vacuum, it is exempt from the inspection requirements of paragraphs (f)(1)(i) and (f)(2) of this section.

(j) Any parts of the closed vent system that are designated, as described in paragraph (l)(1) of this section, as unsafe to inspect are exempt from the inspection requirements of paragraphs (f)(1)(i) and (f)(2) of this section if they comply with the requirements specified in paragraphs (j)(1) and (2) of this section:

(1) The owner or operator determines that the equipment is unsafe to inspect because inspecting personnel would be exposed to an imminent or potential danger as a consequence of complying with paragraphs (f)(1)(i) or (f)(2) of this section; and

(2) The owner or operator has a written plan that requires inspection of the equipment as frequently as practicable during safe-to-inspect times.

(k) Any parts of the closed vent system that are designated, as described in paragraph (l)(2) of this section, as difficult to inspect are exempt from the inspection requirements of paragraphs (f)(1)(i) and (f)(2) of this section if they comply with the requirements specified in paragraphs (k)(1) through (3) of this section:

(1) The owner or operator determines that the equipment cannot be inspected without elevating the inspecting personnel more than 2 meters above a support surface; and

(2) The process unit within which the closed vent system is located becomes an affected facility through §§60.14 or 60.15, or the owner or operator designates less than 3.0 percent of the total number of closed vent system equipment as difficult to inspect; and

(3) The owner or operator has a written plan that requires inspection of the equipment at least once every 5 years. A closed vent system is exempt from inspection if it is operated under a vacuum.

(l) The owner or operator shall record the information specified in paragraphs (l)(1) through (5) of this section.

(1) Identification of all parts of the closed vent system that are designated as unsafe to inspect, an explanation of why the equipment is unsafe to inspect, and the plan for inspecting the equipment.

(2) Identification of all parts of the closed vent system that are designated as difficult to inspect, an explanation of why the equipment is difficult to inspect, and the plan for inspecting the equipment.

(3) For each inspection during which a leak is detected, a record of the information specified in §60.486a(c).

(4) For each inspection conducted in accordance with §60.485a(b) during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(5) For each visual inspection conducted in accordance with paragraph (f)(1)(ii) of this section during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(m) Closed vent systems and control devices used to comply with provisions of this subpart shall be operated at all times when emissions may be vented to them.

**§ 60.482-11a Standards: Connectors in gas/vapor service and in light liquid service.**

(a) The owner or operator shall initially monitor all connectors in the process unit for leaks by the later of either 12 months after the compliance date or 12 months after initial startup. If all connectors in the process unit have been monitored for leaks prior to the compliance date, no initial monitoring is required provided either no process changes have been made since the monitoring or the owner or operator can determine that the results of the monitoring, with or without adjustments, reliably

demonstrate compliance despite process changes. If required to monitor because of a process change, the owner or operator is required to monitor only those connectors involved in the process change.

(b) Except as allowed in §60.482–1a(c), §60.482–10a, or as specified in paragraph (e) of this section, the owner or operator shall monitor all connectors in gas and vapor and light liquid service as specified in paragraphs (a) and (b)(3) of this section.

(1) The connectors shall be monitored to detect leaks by the method specified in §60.485a(b) and, as applicable, §60.485a(c).

(2) If an instrument reading greater than or equal to 500 ppm is measured, a leak is detected.

(3) The owner or operator shall perform monitoring, subsequent to the initial monitoring required in paragraph (a) of this section, as specified in paragraphs (b)(3)(i) through (iii) of this section, and shall comply with the requirements of paragraphs (b)(3)(iv) and (v) of this section. The required period in which monitoring must be conducted shall be determined from paragraphs (b)(3)(i) through (iii) of this section using the monitoring results from the preceding monitoring period. The percent leaking connectors shall be calculated as specified in paragraph (c) of this section.

(i) If the percent leaking connectors in the process unit was greater than or equal to 0.5 percent, then monitor within 12 months (1 year).

(ii) If the percent leaking connectors in the process unit was greater than or equal to 0.25 percent but less than 0.5 percent, then monitor within 4 years. An owner or operator may comply with the requirements of this paragraph by monitoring at least 40 percent of the connectors within 2 years of the start of the monitoring period, provided all connectors have been monitored by the end of the 4-year monitoring period.

(iii) If the percent leaking connectors in the process unit was less than 0.25 percent, then monitor as provided in paragraph (b)(3)(iii)(A) of this section and either paragraph (b)(3)(iii)(B) or (b)(3)(iii)(C) of this section, as appropriate.

(A) An owner or operator shall monitor at least 50 percent of the connectors within 4 years of the start of the monitoring period.

(B) If the percent of leaking connectors calculated from the monitoring results in paragraph (b)(3)(iii)(A) of this section is greater than or equal to 0.35 percent of the monitored connectors, the owner or operator shall monitor as soon as practical, but within the next 6 months, all connectors that have not yet been monitored during the monitoring period. At the conclusion of monitoring, a new monitoring period shall be started pursuant to paragraph (b)(3) of this section, based on the percent of leaking connectors within the total monitored connectors.

(C) If the percent of leaking connectors calculated from the monitoring results in paragraph (b)(3)(iii)(A) of this section is less than 0.35 percent of the monitored connectors, the owner or operator shall monitor all connectors that have not yet been monitored within 8 years of the start of the monitoring period.

(iv) If, during the monitoring conducted pursuant to paragraphs (b)(3)(i) through (iii) of this section, a connector is found to be leaking, it shall be re-monitored once within 90 days after repair to confirm that it is not leaking.

(v) The owner or operator shall keep a record of the start date and end date of each monitoring period under this section for each process unit.

(c) For use in determining the monitoring frequency, as specified in paragraphs (a) and (b)(3) of this section, the percent leaking connectors as used in paragraphs (a) and (b)(3) of this section shall be calculated by using the following equation:

$$\%C_L = C_L / C_t * 100$$

Where:

$\%C_L$  = Percent of leaking connectors as determined through periodic monitoring required in paragraphs (a) and (b)(3)(i) through (iii) of this section.

$C_L$  = Number of connectors measured at 500 ppm or greater, by the method specified in §60.485a(b).

$C_t$  = Total number of monitored connectors in the process unit or affected facility.

(d) When a leak is detected pursuant to paragraphs (a) and (b) of this section, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in §60.482–9a. A first attempt at repair as defined in this subpart shall be made no later than 5 calendar days after the leak is detected.

- (e) Any connector that is designated, as described in §60.486a(f)(1), as an unsafe-to-monitor connector is exempt from the requirements of paragraphs (a) and (b) of this section if:
- (1) The owner or operator of the connector demonstrates that the connector is unsafe-to-monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraphs (a) and (b) of this section; and
  - (2) The owner or operator of the connector has a written plan that requires monitoring of the connector as frequently as practicable during safe-to-monitor times but not more frequently than the periodic monitoring schedule otherwise applicable, and repair of the equipment according to the procedures in paragraph (d) of this section if a leak is detected.
- (f) *Inaccessible, ceramic, or ceramic-lined connectors:*
- (1) Any connector that is inaccessible or that is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined), is exempt from the monitoring requirements of paragraphs (a) and (b) of this section, from the leak repair requirements of paragraph (d) of this section, and from the recordkeeping and reporting requirements of §§63.1038 and 63.1039. An inaccessible connector is one that meets any of the provisions specified in paragraphs (f)(1)(i) through (vi) of this section, as applicable:
- (i) Buried;
  - (ii) Insulated in a manner that prevents access to the connector by a monitor probe;
  - (iii) Obstructed by equipment or piping that prevents access to the connector by a monitor probe;
  - (iv) Unable to be reached from a wheeled scissor-lift or hydraulic-type scaffold that would allow access to connectors up to 7.6 meters (25 feet) above the ground;
  - (v) Inaccessible because it would require elevating the monitoring personnel more than 2 meters (7 feet) above a permanent support surface or would require the erection of scaffold; or
  - (vi) Not able to be accessed at any time in a safe manner to perform monitoring. Unsafe access includes, but is not limited to, the use of a wheeled scissor-lift on unstable or uneven terrain, the use of a motorized man-lift basket in areas where an ignition potential exists, or access would require near proximity to hazards such as electrical lines, or would risk damage to equipment.
- (2) If any inaccessible, ceramic, or ceramic-lined connector is observed by visual, audible, olfactory, or other means to be leaking, the visual, audible, olfactory, or other indications of a leak to the atmosphere shall be eliminated as soon as practical.
- (g) Except for instrumentation systems and inaccessible, ceramic, or ceramic-lined connectors meeting the provisions of paragraph (f) of this section, identify the connectors subject to the requirements of this subpart. Connectors need not be individually identified if all connectors in a designated area or length of pipe subject to the provisions of this subpart are identified as a group, and the number of connectors subject is indicated.

**Effective Date Note:** At 73 FR 31376, June 2, 2008, §60.482–11a was stayed until further notice.

**§ 60.483-1a Alternative standards for valves—allowable percentage of valves leaking.**

- (a) An owner or operator may elect to comply with an allowable percentage of valves leaking of equal to or less than 2.0 percent.
- (b) The following requirements shall be met if an owner or operator wishes to comply with an allowable percentage of valves leaking:
- (1) An owner or operator must notify the Administrator that the owner or operator has elected to comply with the allowable percentage of valves leaking before implementing this alternative standard, as specified in §60.487a(d).
  - (2) A performance test as specified in paragraph (c) of this section shall be conducted initially upon designation, annually, and at other times requested by the Administrator.
  - (3) If a valve leak is detected, it shall be repaired in accordance with §60.482–7a(d) and (e).
- (c) Performance tests shall be conducted in the following manner:
- (1) All valves in gas/vapor and light liquid service within the affected facility shall be monitored within 1 week by the methods specified in §60.485a(b).
  - (2) If an instrument reading of 500 ppm or greater is measured, a leak is detected.

(3) The leak percentage shall be determined by dividing the number of valves for which leaks are detected by the number of valves in gas/vapor and light liquid service within the affected facility.

(d) Owners and operators who elect to comply with this alternative standard shall not have an affected facility with a leak percentage greater than 2.0 percent, determined as described in §60.485a(h).

**§ 60.483-2a Alternative standards for valves—skip period leak detection and repair.**

(a)

(1) An owner or operator may elect to comply with one of the alternative work practices specified in paragraphs (b)(2) and (3) of this section.

(2) An owner or operator must notify the Administrator before implementing one of the alternative work practices, as specified in §60.487(d)a.

(b)

(1) An owner or operator shall comply initially with the requirements for valves in gas/vapor service and valves in light liquid service, as described in §60.482–7a.

(2) After 2 consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0, an owner or operator may begin to skip 1 of the quarterly leak detection periods for the valves in gas/vapor and light liquid service.

(3) After 5 consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0, an owner or operator may begin to skip 3 of the quarterly leak detection periods for the valves in gas/vapor and light liquid service.

(4) If the percent of valves leaking is greater than 2.0, the owner or operator shall comply with the requirements as described in §60.482–7a but can again elect to use this section.

(5) The percent of valves leaking shall be determined as described in §60.485a(h).

(6) An owner or operator must keep a record of the percent of valves found leaking during each leak detection period.

(7) A valve that begins operation in gas/vapor service or light liquid service after the initial startup date for a process unit following one of the alternative standards in this section must be monitored in accordance with §60.482–7a(a)(2)(i) or (ii) before the provisions of this section can be applied to that valve.

**§ 60.484a Equivalence of means of emission limitation.**

(a) Each owner or operator subject to the provisions of this subpart may apply to the Administrator for determination of equivalence for any means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to the reduction in emissions of VOC achieved by the controls required in this subpart.

(b) Determination of equivalence to the equipment, design, and operational requirements of this subpart will be evaluated by the following guidelines:

(1) Each owner or operator applying for an equivalence determination shall be responsible for collecting and verifying test data to demonstrate equivalence of means of emission limitation.

(2) The Administrator will compare test data for demonstrating equivalence of the means of emission limitation to test data for the equipment, design, and operational requirements.

(3) The Administrator may condition the approval of equivalence on requirements that may be necessary to assure operation and maintenance to achieve the same emission reduction as the equipment, design, and operational requirements.

(c) Determination of equivalence to the required work practices in this subpart will be evaluated by the following guidelines:

(1) Each owner or operator applying for a determination of equivalence shall be responsible for collecting and verifying test data to demonstrate equivalence of an equivalent means of emission limitation.

(2) For each affected facility for which a determination of equivalence is requested, the emission reduction achieved by the required work practice shall be demonstrated.

(3) For each affected facility, for which a determination of equivalence is requested, the emission reduction achieved by the equivalent means of emission limitation shall be demonstrated.



- (4) Each owner or operator applying for a determination of equivalence shall commit in writing to work practice(s) that provide for emission reductions equal to or greater than the emission reductions achieved by the required work practice.
- (5) The Administrator will compare the demonstrated emission reduction for the equivalent means of emission limitation to the demonstrated emission reduction for the required work practices and will consider the commitment in paragraph (c)(4) of this section.
- (6) The Administrator may condition the approval of equivalence on requirements that may be necessary to assure operation and maintenance to achieve the same emission reduction as the required work practice.
- (d) An owner or operator may offer a unique approach to demonstrate the equivalence of any equivalent means of emission limitation.
- (e)
- (1) After a request for determination of equivalence is received, the Administrator will publish a notice in the Federal Register and provide the opportunity for public hearing if the Administrator judges that the request may be approved.
- (2) After notice and opportunity for public hearing, the Administrator will determine the equivalence of a means of emission limitation and will publish the determination in the Federal Register.
- (3) Any equivalent means of emission limitations approved under this section shall constitute a required work practice, equipment, design, or operational standard within the meaning of section 111(h)(1) of the CAA.
- (f)
- (1) Manufacturers of equipment used to control equipment leaks of VOC may apply to the Administrator for determination of equivalence for any equivalent means of emission limitation that achieves a reduction in emissions of VOC achieved by the equipment, design, and operational requirements of this subpart.
- (2) The Administrator will make an equivalence determination according to the provisions of paragraphs (b), (c), (d), and (e) of this section.

**§ 60.485a Test methods and procedures.**

- (a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b).
- (b) The owner or operator shall determine compliance with the standards in §§60.482–1a through 60.482–11a, 60.483a, and 60.484a as follows:
- (1) Method 21 shall be used to determine the presence of leaking sources. The instrument shall be calibrated before use each day of its use by the procedures specified in Method 21 of appendix A–7 of this part. The following calibration gases shall be used:
- (i) Zero air (less than 10 ppm of hydrocarbon in air); and
- (ii) A mixture of methane or n-hexane and air at a concentration no more than 2,000 ppm greater than the leak definition concentration of the equipment monitored. If the monitoring instrument's design allows for multiple calibration scales, then the lower scale shall be calibrated with a calibration gas that is no higher than 2,000 ppm above the concentration specified as a leak, and the highest scale shall be calibrated with a calibration gas that is approximately equal to 10,000 ppm. If only one scale on an instrument will be used during monitoring, the owner or operator need not calibrate the scales that will not be used during that day's monitoring.
- (2) A calibration drift assessment shall be performed, at a minimum, at the end of each monitoring day. Check the instrument using the same calibration gas(es) that were used to calibrate the instrument before use. Follow the procedures specified in Method 21 of appendix A–7 of this part, Section 10.1, except do not adjust the meter readout to correspond to the calibration gas value. Record the instrument reading for each scale used as specified in §60.486a(e)(7). Calculate the average algebraic difference between the three meter readings and the most recent calibration value. Divide this algebraic difference by the initial calibration value and multiply by 100 to express the calibration drift as a percentage. If any calibration drift assessment shows a negative drift of more than 10 percent from the initial calibration value, then all equipment monitored since the last calibration with instrument readings below the appropriate leak definition and above the leak definition multiplied by (100 minus the percent of negative drift/divided by 100) must be re-monitored. If any calibration drift assessment shows a positive

drift of more than 10 percent from the initial calibration value, then, at the owner/operator's discretion, all equipment since the last calibration with instrument readings above the appropriate leak definition and below the leak definition multiplied by (100 plus the percent of positive drift/divided by 100) may be re-monitored.

(c) The owner or operator shall determine compliance with the no-detectable-emission standards in §§60.482–2a(e), 60.482–3a(i), 60.482–4a, 60.482–7a(f), and 60.482–10a(e) as follows:

(1) The requirements of paragraph (b) shall apply.

(2) Method 21 of appendix A–7 of this part shall be used to determine the background level. All potential leak interfaces shall be traversed as close to the interface as possible. The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

(d) The owner or operator shall test each piece of equipment unless he demonstrates that a process unit is not in VOC service, i.e., that the VOC content would never be reasonably expected to exceed 10 percent by weight. For purposes of this demonstration, the following methods and procedures shall be used:

(1) Procedures that conform to the general methods in ASTM E260–73, 91, or 96, E168–67, 77, or 92, E169–63, 77, or 93 (incorporated by reference—see §60.17) shall be used to determine the percent VOC content in the process fluid that is contained in or contacts a piece of equipment.

(2) Organic compounds that are considered by the Administrator to have negligible photochemical reactivity may be excluded from the total quantity of organic compounds in determining the VOC content of the process fluid.

(3) Engineering judgment may be used to estimate the VOC content, if a piece of equipment had not been shown previously to be in service. If the Administrator disagrees with the judgment, paragraphs (d)(1) and (2) of this section shall be used to resolve the disagreement.

(e) The owner or operator shall demonstrate that a piece of equipment is in light liquid service by showing that all the following conditions apply:

(1) The vapor pressure of one or more of the organic components is greater than 0.3 kPa at 20 °C (1.2 in. H<sub>2</sub>O at 68 °F). Standard reference texts or ASTM D2879–83, 96, or 97 (incorporated by reference—see §60.17) shall be used to determine the vapor pressures.

(2) The total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20 °C (1.2 in. H<sub>2</sub>O at 68 °F) is equal to or greater than 20 percent by weight.

(3) The fluid is a liquid at operating conditions.

(f) Samples used in conjunction with paragraphs (d), (e), and (g) of this section shall be representative of the process fluid that is contained in or contacts the equipment or the gas being combusted in the flare.

(g) The owner or operator shall determine compliance with the standards of flares as follows:

(1) Method 22 of appendix A–7 of this part shall be used to determine visible emissions.

(2) A thermocouple or any other equivalent device shall be used to monitor the presence of a pilot flame in the flare.

(3) The maximum permitted velocity for air assisted flares shall be computed using the following equation:

$$V_{\max} = K_1 + K_2 H_T$$

Where:

$V_{\max}$  = Maximum permitted velocity, m/sec (ft/sec).

$H_T$  = Net heating value of the gas being combusted, MJ/scm (Btu/scf).

$K_1$  = 8.706 m/sec (metric units) = 28.56 ft/sec (English units).

$K_2$  = 0.7084 m<sup>4</sup>/(MJ-sec) (metric units) = 0.087 ft<sup>4</sup>/(Btu-sec) (English units).

(4) The net heating value (HT) of the gas being combusted in a flare shall be computed using the following equation:

$$H_T = K \sum_{i=1}^n C_i H_i$$

Where:

K = Conversion constant,  $1.740 \times 10^{-7}$  (g-mole)(MJ)/(ppm-scm-kcal) (metric units) =  $4.674 \times 10^{-6}$  [(g-mole)(Btu)/(ppm-scf-kcal)] (English units).

$C_i$  = Concentration of sample component “i,” ppm

$H_i$  = net heat of combustion of sample component “i” at 25 °C and 760 mm Hg (77 °F and 14.7 psi), kcal/g-mole.

(5) Method 18 of appendix A–6 of this part or ASTM D6420–99 (2004) (where the target compound(s) are those listed in Section 1.1 of ASTM D6420–99, and the target concentration is between 150 parts per billion by volume and 100 ppmv) and ASTM D2504–67, 77, or 88 (Reapproved 1993) (incorporated by reference-see §60.17) shall be used to determine the concentration of sample component “i.”

(6) ASTM D2382–76 or 88 or D4809–95 (incorporated by reference-see §60.17) shall be used to determine the net heat of combustion of component “i” if published values are not available or cannot be calculated.

(7) Method 2, 2A, 2C, or 2D of appendix A–7 of this part, as appropriate, shall be used to determine the actual exit velocity of a flare. If needed, the unobstructed (free) cross-sectional area of the flare tip shall be used.

(h) The owner or operator shall determine compliance with §60.483–1a or §60.483–2a as follows:

(1) The percent of valves leaking shall be determined using the following equation:

$$\%V_L = (V_L / V_T) * 100$$

Where:

$\%V_L$  = Percent leaking valves.

$V_L$  = Number of valves found leaking.

$V_T$  = The sum of the total number of valves monitored.

(2) The total number of valves monitored shall include difficult-to-monitor and unsafe-to-monitor valves only during the monitoring period in which those valves are monitored.

(3) The number of valves leaking shall include valves for which repair has been delayed.

(4) Any new valve that is not monitored within 30 days of being placed in service shall be included in the number of valves leaking and the total number of valves monitored for the monitoring period in which the valve is placed in service.

(5) If the process unit has been subdivided in accordance with §60.482–7a(c)(1)(ii), the sum of valves found leaking during a monitoring period includes all subgroups.

(6) The total number of valves monitored does not include a valve monitored to verify repair.

#### **§ 60.486a Recordkeeping requirements.**

(a)

(1) Each owner or operator subject to the provisions of this subpart shall comply with the recordkeeping requirements of this section.

(2) An owner or operator of more than one affected facility subject to the provisions of this subpart may comply with the recordkeeping requirements for these facilities in one recordkeeping system if the system identifies each record by each facility.

(3) The owner or operator shall record the information specified in paragraphs (a)(3)(i) through (v) of this section for each monitoring event required by §§60.482–2a, 60.482–3a, 60.482–7a, 60.482–8a, 60.482–11a, and 60.483–2a.

(i) Monitoring instrument identification.

(ii) Operator identification.

- (iii) Equipment identification.
- (iv) Date of monitoring.
- (v) Instrument reading.
- (b) When each leak is detected as specified in §§60.482–2a, 60.482–3a, 60.482–7a, 60.482–8a, 60.482–11a, and 60.483–2a, the following requirements apply:
  - (1) A weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment.
  - (2) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in §60.482–7a(c) and no leak has been detected during those 2 months.
  - (3) The identification on a connector may be removed after it has been monitored as specified in §60.482–11a(b)(3)(iv) and no leak has been detected during that monitoring.
  - (4) The identification on equipment, except on a valve or connector, may be removed after it has been repaired.
- (c) When each leak is detected as specified in §§60.482–2a, 60.482–3a, 60.482–7a, 60.482–8a, 60.482–11a, and 60.483–2a, the following information shall be recorded in a log and shall be kept for 2 years in a readily accessible location:
  - (1) The instrument and operator identification numbers and the equipment identification number, except when indications of liquids dripping from a pump are designated as a leak.
  - (2) The date the leak was detected and the dates of each attempt to repair the leak.
  - (3) Repair methods applied in each attempt to repair the leak.
  - (4) Maximum instrument reading measured by Method 21 of appendix A–7 of this part at the time the leak is successfully repaired or determined to be nonrepairable, except when a pump is repaired by eliminating indications of liquids dripping.
  - (5) “Repair delayed” and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
  - (6) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a process shutdown.
  - (7) The expected date of successful repair of the leak if a leak is not repaired within 15 days.
  - (8) Dates of process unit shutdowns that occur while the equipment is unrepaired.
  - (9) The date of successful repair of the leak.
- (d) The following information pertaining to the design requirements for closed vent systems and control devices described in §60.482–10a shall be recorded and kept in a readily accessible location:
  - (1) Detailed schematics, design specifications, and piping and instrumentation diagrams.
  - (2) The dates and descriptions of any changes in the design specifications.
  - (3) A description of the parameter or parameters monitored, as required in §60.482–10a(e), to ensure that control devices are operated and maintained in conformance with their design and an explanation of why that parameter (or parameters) was selected for the monitoring.
  - (4) Periods when the closed vent systems and control devices required in §§60.482–2a, 60.482–3a, 60.482–4a, and 60.482–5a are not operated as designed, including periods when a flare pilot light does not have a flame.
  - (5) Dates of startups and shutdowns of the closed vent systems and control devices required in §§60.482–2a, 60.482–3a, 60.482–4a, and 60.482–5a.
- (e) The following information pertaining to all equipment subject to the requirements in §§60.482–1a to 60.482–11a shall be recorded in a log that is kept in a readily accessible location:
  - (1) A list of identification numbers for equipment subject to the requirements of this subpart.
  - (2)

- (i) A list of identification numbers for equipment that are designated for no detectable emissions under the provisions of §§60.482–2a(e), 60.482–3a(i), and 60.482–7a(f).
- (ii) The designation of equipment as subject to the requirements of §60.482–2a(e), §60.482–3a(i), or §60.482–7a(f) shall be signed by the owner or operator. Alternatively, the owner or operator may establish a mechanism with their permitting authority that satisfies this requirement.
- (3) A list of equipment identification numbers for pressure relief devices required to comply with §60.482–4a.
- (4)
- (i) The dates of each compliance test as required in §§60.482–2a(e), 60.482–3a(i), 60.482–4a, and 60.482–7a(f).
- (ii) The background level measured during each compliance test.
- (iii) The maximum instrument reading measured at the equipment during each compliance test.
- (5) A list of identification numbers for equipment in vacuum service.
- (6) A list of identification numbers for equipment that the owner or operator designates as operating in VOC service less than 300 hr/yr in accordance with §60.482–1a(e), a description of the conditions under which the equipment is in VOC service, and rationale supporting the designation that it is in VOC service less than 300 hr/yr.
- (7) The date and results of the weekly visual inspection for indications of liquids dripping from pumps in light liquid service.
- (8) Records of the information specified in paragraphs (e)(8)(i) through (vi) of this section for monitoring instrument calibrations conducted according to sections 8.1.2 and 10 of Method 21 of appendix A–7 of this part and §60.485a(b).
  - (i) Date of calibration and initials of operator performing the calibration.
  - (ii) Calibration gas cylinder identification, certification date, and certified concentration.
  - (iii) Instrument scale(s) used.
  - (iv) A description of any corrective action taken if the meter readout could not be adjusted to correspond to the calibration gas value in accordance with section 10.1 of Method 21 of appendix A–7 of this part.
  - (v) Results of each calibration drift assessment required by §60.485a(b)(2) (i.e., instrument reading for calibration at end of monitoring day and the calculated percent difference from the initial calibration value).
  - (vi) If an owner or operator makes their own calibration gas, a description of the procedure used.
- (9) The connector monitoring schedule for each process unit as specified in §60.482–11a(b)(3)(v).
- (10) Records of each release from a pressure relief device subject to §60.482–4a.
  - (f) The following information pertaining to all valves subject to the requirements of §60.482–7a(g) and (h), all pumps subject to the requirements of §60.482–2a(g), and all connectors subject to the requirements of §60.482–11a(e) shall be recorded in a log that is kept in a readily accessible location:
    - (1) A list of identification numbers for valves, pumps, and connectors that are designated as unsafe-to-monitor, an explanation for each valve, pump, or connector stating why the valve, pump, or connector is unsafe-to-monitor, and the plan for monitoring each valve, pump, or connector.
    - (2) A list of identification numbers for valves that are designated as difficult-to-monitor, an explanation for each valve stating why the valve is difficult-to-monitor, and the schedule for monitoring each valve.
  - (g) The following information shall be recorded for valves complying with §60.483–2a:
    - (1) A schedule of monitoring.
    - (2) The percent of valves found leaking during each monitoring period.
  - (h) The following information shall be recorded in a log that is kept in a readily accessible location:
    - (1) Design criterion required in §§60.482–2a(d)(5) and 60.482–3a(e)(2) and explanation of the design criterion; and
    - (2) Any changes to this criterion and the reasons for the changes.

(i) The following information shall be recorded in a log that is kept in a readily accessible location for use in determining exemptions as provided in §60.480a(d):

(1) An analysis demonstrating the design capacity of the affected facility,

(2) A statement listing the feed or raw materials and products from the affected facilities and an analysis demonstrating whether these chemicals are heavy liquids or beverage alcohol, and

(3) An analysis demonstrating that equipment is not in VOC service.

(j) Information and data used to demonstrate that a piece of equipment is not in VOC service shall be recorded in a log that is kept in a readily accessible location.

(k) The provisions of §60.7(b) and (d) do not apply to affected facilities subject to this subpart.

**§ 60.487a Reporting requirements.**

(a) Each owner or operator subject to the provisions of this subpart shall submit semiannual reports to the Administrator beginning 6 months after the initial startup date.

(b) The initial semiannual report to the Administrator shall include the following information:

(1) Process unit identification.

(2) Number of valves subject to the requirements of §60.482–7a, excluding those valves designated for no detectable emissions under the provisions of §60.482–7a(f).

(3) Number of pumps subject to the requirements of §60.482–2a, excluding those pumps designated for no detectable emissions under the provisions of §60.482–2a(e) and those pumps complying with §60.482–2a(f).

(4) Number of compressors subject to the requirements of §60.482–3a, excluding those compressors designated for no detectable emissions under the provisions of §60.482–3a(i) and those compressors complying with §60.482–3a(h).

(5) Number of connectors subject to the requirements of §60.482–11a.

(c) All semiannual reports to the Administrator shall include the following information, summarized from the information in §60.486a:

(1) Process unit identification.

(2) For each month during the semiannual reporting period,

(i) Number of valves for which leaks were detected as described in §60.482–7a(b) or §60.483–2a,

(ii) Number of valves for which leaks were not repaired as required in §60.482–7a(d)(1),

(iii) Number of pumps for which leaks were detected as described in §60.482–2a(b), (d)(4)(ii)(A) or (B), or (d)(5)(iii),

(iv) Number of pumps for which leaks were not repaired as required in §60.482–2a(c)(1) and (d)(6),

(v) Number of compressors for which leaks were detected as described in §60.482–3a(f),

(vi) Number of compressors for which leaks were not repaired as required in §60.482–3a(g)(1),

(vii) Number of connectors for which leaks were detected as described in §60.482–11a(b)

(viii) Number of connectors for which leaks were not repaired as required in §60.482–11a(d), and

(ix)–(x) [Reserved]

(xi) The facts that explain each delay of repair and, where appropriate, why a process unit shutdown was technically infeasible.

(3) Dates of process unit shutdowns which occurred within the semiannual reporting period.

(4) Revisions to items reported according to paragraph (b) of this section if changes have occurred since the initial report or subsequent revisions to the initial report.

(d) An owner or operator electing to comply with the provisions of §§60.483–1a or 60.483–2a shall notify the Administrator of the alternative standard selected 90 days before implementing either of the provisions.

(e) An owner or operator shall report the results of all performance tests in accordance with §60.8 of the General Provisions. The provisions of §60.8(d) do not apply to affected facilities subject to the provisions of this subpart except that an owner or operator must notify the Administrator of the schedule for the initial performance tests at least 30 days before the initial performance tests.

(f) The requirements of paragraphs (a) through (c) of this section remain in force until and unless EPA, in delegating enforcement authority to a state under section 111(c) of the CAA, approves reporting requirements or an alternative means of compliance surveillance adopted by such state. In that event, affected sources within the state will be relieved of the obligation to comply with the requirements of paragraphs (a) through (c) of this section, provided that they comply with the requirements established by the state.

**§ 60.488a Reconstruction.**

For the purposes of this subpart:

(a) The cost of the following frequently replaced components of the facility shall not be considered in calculating either the “fixed capital cost of the new components” or the “fixed capital costs that would be required to construct a comparable new facility” under §60.15: Pump seals, nuts and bolts, rupture disks, and packings.

(b) Under §60.15, the “fixed capital cost of new components” includes the fixed capital cost of all depreciable components (except components specified in §60.488a(a)) which are or will be replaced pursuant to all continuous programs of component replacement which are commenced within any 2-year period following the applicability date for the appropriate subpart. (See the “Applicability and designation of affected facility” section of the appropriate subpart.) For purposes of this paragraph, “commenced” means that an owner or operator has undertaken a continuous program of component replacement or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of component replacement.

**§ 60.489a List of chemicals produced by affected facilities.**

Process units that produce, as intermediates or final products, chemicals listed in §60.489 are covered under this subpart. The applicability date for process units producing one or more of these chemicals is November 8, 2006.