

## DRAFT/PROPOSED

### OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY AIR QUALITY DIVISION

#### MEMORANDUM

July 22, 2016

**TO:** Phillip Fielder, P.E., Permits and Engineering Group Manager

**THROUGH:** Rick Groshong, Environmental Manager, Compliance and Enforcement

**THROUGH:** Phil Martin, P.E., Engineering Manager, Existing Source Permits Section

**THROUGH:** Peer Review

**FROM:** Ryan Buntyn, Existing Source Permits Section

**SUBJECT:** Evaluation of Permit Application No. **2016-0267-C**  
TransCanada Keystone Pipeline, LP  
Cushing Tank Terminal Station (Facility ID: 9633)  
Latitude: 35.92588°N, Longitude: 96.75337°W  
Section 27, Township 17N, Range 5E, Lincoln County, Oklahoma  
Direction: From the junction of Hwy 33 and N. Linwood Ave/N3510 Rd  
in Cushing, OK, go approximately four (4.0) miles south on N. Linwood  
Ave/N3510 Rd, then turn west and go one-quarter (0.25) of a mile and  
turn south into the facility.

#### I. INTRODUCTION

TransCanada Keystone Pipeline, LP has applied for a Part 70 construction permit for their Cushing Tank Terminal Station (SIC 5171). The facility is currently operating under individual operating Permit No. 2012-860-O issued April 23, 2015. Current emission sources at the facility include two (2) 700-Horsepower (Hp) Caterpillar C18 diesel-fired emergency fire water pumps (FW-1 & FW-2), one (1) 152-Hp Generac SD100 diesel-fired emergency generator (E-2), five (5) 350,000-barrel (bbl) external floating roof (EFR) crude oil storage tanks (EU-1, EU-2, EU-3, EU-6 & EU-7), two (2) 250,000-bbl domed EFR crude oil storage tanks (EU-4 & EU-5) and various support operations. This construction permit will authorize the construction of six (6) additional 350,000-bbl EFR crude oil storage tanks (EU-8 thru EU-13).

FW-1, FW-2 and E-2 were manufactured after 2010, and are subject to New Source Performance Standards (NSPS) Subpart IIII and National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart ZZZZ. The storage tanks (EU-1 thru EU-13) were constructed after July 23, 1984 and are subject to NSPS Subpart Kb.

The application for the construction permit requires a Tier II permitting process and is subject to public and EPA review. The facility does not trigger New Source Review since the increase in criteria pollutant emissions do not exceed 100 TPY. Because emissions of any single pollutant are not increasing by more than 100 TPY, Oklahoma BACT analysis and modeling are not required. The facility is a minor source of HAP.

The facility emits more than 100 TPY of a regulated pollutant, therefore, it is subject to Title V permitting requirements. Emissions of hazardous air pollutants (HAP) will remain below the major source levels (10/25 TPY) for HAPs. Emission units (EUs) have been arranged into Emission Unit Groups (EUGs) in the following outline. Pipeline-quality natural gas is the primary fuel with the facility being operated continuously.

## II. PROCESS DESCRIPTION

This facility is responsible for the storage and distribution of crude oil. Crude oil will be transported into and out of the facility via pipeline; therefore there will be no truck or railcar loading or unloading facilities located at the crude oil terminal facility. There will be crude oil booster pumps located at the facility for transfer of the crude oil from the pipeline to the crude oil storage tanks, but all booster pumps will be electrically-driven. One Auxiliary Power Unit is on site to provide emergency power to the equipment. Fire water pumps are also on site to be used during emergency events.

## III. EQUIPMENT

### EUG A Reciprocating Internal Combustion Engines

EU ID#	Point ID#	EU Name/Model	Construction/Modification. Date
EU-FW-1	P-FW-1	700-hp Caterpillar C18 Fire Water Pump	04/2013
EU-FW-2	P-FW-2	700-hp Caterpillar C18 Fire Water Pump	TBD
EU-E-2	P-E-2	152-hp Generac SD100 Diesel Generator	06/2012

### EUG B Storage Tanks

EU ID#	Point ID#	EU Name/Model	Construction/Modification. Date
EU-1	P-1	350,000-bbl EFR Crude Oil Storage Tank	04/01/2014
EU-2	P-2	350,000-bbl EFR Crude Oil Storage Tank	04/01/2014
EU-3	P-3	350,000-bbl EFR Crude Oil Storage Tank	04/01/2014
EU-4	P-4	250,000-bbl Domed EFR Crude Oil Storage Tank	04/01/2014
EU-5	P-5	250,000-bbl Domed EFR Crude Oil Storage Tank	04/01/2014
EU-6	P-6	350,000-bbl EFR Crude Oil Storage Tank	04/01/2014
EU-7	P-7	350,000-bbl EFR Crude Oil Storage Tank	04/01/2014
EU-8	P-8	350,000-bbl EFR Crude Oil Storage Tank	TBD
EU-9	P-9	350,000-bbl EFR Crude Oil Storage Tank	TBD
EU-10	P-10	350,000-bbl EFR Crude Oil Storage Tank	TBD
EU-11	P-11	350,000-bbl EFR Crude Oil Storage Tank	TBD
EU-12	P-12	350,000-bbl EFR Crude Oil Storage Tank	TBD
EU-13	P-13	350,000-bbl EFR Crude Oil Storage Tank	TBD

**EUG C Landing Emissions**

EU ID#	Point ID#	EU Name/Model	Construction/Modification. Date
EU-L-1	P-L-1	Storage Tank Landing Emissions	N/A

**EUG D Fugitive Emissions**

EU ID#	Point ID#	EU Name/Model	Construction/Modification. Date
EU-FUG-1	P-FUG-1	Miscellaneous Process Piping Fugitives	N/A

**IV. EMISSIONS**

**EUG A Reciprocating Internal Combustion Engines**

Emissions from the diesel-fired emergency generators are based on the following data:

**Engine Stack Parameters**

Point	Height (feet)	Diameter (feet)	Temp. (°F)	Flow (ACFM)
P-FW-1	not available	0.25	880	461
P-FW-2	not available	0.25	880	461
P-E-2	10	4.00	885	885

**Engine Emission Factors**

Point	NO <sub>x</sub> (g/hp-hr)	CO (g/hp-hr)	VOC (g/hp-hr)
P-FW-1	3.00 <sup>a</sup>	2.60 <sup>a</sup>	0.004 <sup>c</sup>
P-FW-2	3.00 <sup>a</sup>	2.60 <sup>a</sup>	0.004 <sup>c</sup>
P-E-2	3.00 <sup>b</sup>	5.00 <sup>b</sup>	1.00 <sup>b</sup>

<sup>a</sup> - Based on NSPS III Table 4; <sup>b</sup> - Based on 40 CFR 89.112, Table 1;

<sup>c</sup> - Based on summation of AP-42 Table 3.3-2 (10/96) emission factors (lb/MMBtu) for speciated organic compounds.

**EUG B Storage Tanks**

Tank emissions are based on the maximum crude oil throughputs listed following. EPA TANKS 4.0.9d program was used to determine potential emissions from the EFR tanks.

**Storage Tank Specifications**

Source	Tank Capacity (gallons)	Tank Height (Feet)	Tank Diameter (Feet)	Shell Type
EU-1, EU-2 & EU-3	14,700,000	57.75	215.0	EFR
EU-4 & EU-5	10,500,000	57.75	184.0	Domed EFR
EU-6 thru EU-13	14,700,000	57.75	215.0	EFR

**Storage Tank VOC Potential Emissions**

Source	Annual Throughput bbl/yr	Rim Seal Losses (TPY)	Withdrawal Losses (TPY)	Deck Fitting Losses (TPY)	Total VOC (TPY)
EU-1	36,500,000	6.74	3.40	1.62	11.76
EU-2	186,150,000	6.74	5.79	1.62	14.15
EU-3	54,750,000	6.74	2.09	1.62	10.45
EU-4	54,750,000	0.71	1.75	0.81	3.27
EU-5	54,750,000	0.71	1.75	0.81	3.27
EU-6	186,150,000	6.74	5.79	1.62	14.15
EU-7	186,150,000	6.74	5.79	1.62	14.15
EU-8	8,395,000	7.04	0.78	1.65	9.47
EU-9	8,395,000	7.04	0.78	1.65	9.47
EU-10	8,395,000	7.04	0.78	1.65	9.47
EU-11	8,395,000	7.04	0.78	1.65	9.47
EU-12	8,395,000	7.04	0.78	1.65	9.47
EU-13	8,395,000	7.04	0.78	1.65	9.47
<b>TOTAL</b>		<b>77.36</b>	<b>31.04</b>	<b>19.62</b>	<b>128.02</b>

**EUG C Landing Emissions**

Tank Roof Landing Emissions from the EFR tanks were estimated using AP-42 Chapter 7 (11/06) equations, six events per year, and the following parameters.

Molecular Weight	Height of Vapor Space	Vapor Pressure	Average Temp of Vapor	Daily Ambient Temp Range	Saturation Factor
68 lb/lb-mole	3.42 ft	11.41 psia	100.58 °F	25°F	0.6

**EUG D Fugitive Emissions**

Emissions from fugitive equipment leaks are based on EPA's "Protocol for Equipment Leak Emission Estimates" (11/95, EPA-453/R-95-017), an estimated number of components, and the VOC (C<sub>3+</sub>) content of the materials handled.

**Facility Wide Emissions**

Emission Unit ID #	Description	NO <sub>x</sub>	CO	VOC
		TPY	TPY	TPY
FW-1	700-Hp Caterpillar C18 Fire Water Pump <sup>1</sup>	0.23	0.20	0.01
FW-2	700-Hp Caterpillar C18 Fire Water Pump <sup>1</sup>	0.23	0.20	0.01
E-2	152-Hp Generac SD100 Diesel Generator <sup>1</sup>	0.05	0.08	0.02
EU-1	One (1) 350,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	11.76
EU-2	One (1) 350,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	14.15
EU-3	One (1) 350,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	10.45
EU-4	One (1) 250,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	3.27
EU-5	One (1) 250,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	3.27
EU-6	One (1) 350,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	14.15
EU-7	One (1) 350,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	14.15
EU-8	One (1) 350,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	9.47
EU-9	One (1) 350,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	9.47
EU-10	One (1) 350,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	9.47
EU-11	One (1) 350,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	9.47
EU-12	One (1) 350,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	9.47
EU-13	One (1) 350,000-bbl Crude Oil Storage Tank <sup>2</sup>	---	---	9.47
L-1	Tank Roof Landing Losses	---	---	30.36
FUG-1	Facility Fugitive Emissions	---	---	24.46
<b>Totals</b>		<b>0.51</b>	<b>0.48</b>	<b>182.88</b>
<b>Previously Permitted Totals<sup>3</sup> (Permit No. 2012-860-O)</b>		<b>99.99</b>	<b>99.99</b>	<b>99.99</b>
<b>Difference</b>		<b>(99.48)</b>	<b>(99.51)</b>	<b>82.89</b>

<sup>1</sup> - Based on 100 hours of annual operation; <sup>2</sup> - Includes working and breathing losses;

<sup>3</sup> - Previously permitted under GP-OGF.

The storage tanks will have emissions of HAPs, the most significant being benzene and n-hexane. Emission estimates, based on EPA TANKS 4.0.9d program, are listed in the table below.

**Storage Tank HAP Emissions**

EU	Benzene		Toluene		Ethyl Benzene		Xylene		n-Hexane	
	lb/hr	TPY	lb/hr	TPY	lb/hr	TPY	lb/hr	TPY	lb/hr	TPY
EU-1	0.09	0.39	0.03	0.13	0.01	0.05	0.01	0.04	0.12	0.54
EU-2	0.10	0.46	0.04	0.18	0.02	0.07	0.02	0.07	0.14	0.61
EU-3	0.08	0.35	0.02	0.10	0.01	0.03	0.01	0.03	0.11	0.50
EU-4	0.02	0.10	0.01	0.05	0.01	0.02	0.01	0.02	0.03	0.13

EU-5	0.02	0.10	0.01	0.05	0.01	0.02	0.01	0.02	0.03	0.13
EU	Benzene		Toluene		Ethyl Benzene		Xylene		n-Hexane	
	lb/hr	TPY	lb/hr	TPY	lb/hr	TPY	lb/hr	TPY	lb/hr	TPY
EU-6	0.10	0.46	0.04	0.18	0.02	0.07	0.02	0.07	0.14	0.61
EU-7	0.10	0.46	0.04	0.18	0.02	0.07	0.02	0.07	0.14	0.61
EU-8	0.07	0.31	0.02	0.08	0.01	0.02	0.01	0.02	0.11	0.46
EU-9	0.07	0.31	0.02	0.08	0.01	0.02	0.01	0.02	0.11	0.46
EU-10	0.07	0.31	0.02	0.08	0.01	0.02	0.01	0.02	0.11	0.46
EU-11	0.07	0.31	0.02	0.08	0.01	0.02	0.01	0.02	0.11	0.46
EU-12	0.07	0.31	0.02	0.08	0.01	0.02	0.01	0.02	0.11	0.46
EU-13	0.07	0.31	0.02	0.08	0.01	0.02	0.01	0.02	0.11	0.46
<b>Total</b>	<b>0.93</b>	<b>3.79</b>	<b>0.31</b>	<b>1.35</b>	<b>0.16</b>	<b>0.45</b>	<b>0.16</b>	<b>0.44</b>	<b>1.37</b>	<b>5.89</b>

#### Facility-Wide HAP Emissions

EU	Total HAPs (TPY)
EU-1	1.15
EU-2	1.39
EU-3	1.01
EU-4	0.32
EU-5	0.32
EU-6	1.39
EU-7	1.39
EU-8	0.89
EU-9	0.89
EU-10	0.89
EU-11	0.89
EU-12	0.89
EU-13	0.89
L-1	3.36
FUG-1	2.20
<b>Total</b>	<b>17.87</b>

#### V. INSIGNIFICANT ACTIVITIES

The insignificant activities identified and justified on Part 1b of the forms in the application and duplicated below. Appropriate recordkeeping is required for those activities indicated below with an asterisk.

1. Space heaters, boilers, process heaters, and emergency flares less than or equal to 5 MMBTUH heat input (commercial natural gas).

2. Storage tanks with less than or equal to 10,000 gallons capacity that store volatile organic liquids with a true vapor pressure less than or equal to 1.0 psia at maximum storage temperature.
3. Emissions from condensate tanks with a design capacity of 400 gallons or less in ozone attainment areas.
4. Emissions from storage tanks constructed with a capacity less than 39,894 gallons which store VOC with a vapor pressure less than 1.5 psia at maximum storage temperature.
5. Activities having the potential to emit no more than 5 TPY (actual) of any criteria pollutant.

## VI. OKLAHOMA AIR POLLUTION CONTROL RULES

OAC 252:100-1 (General Provisions) [Applicable]  
Subchapter 1 includes definitions but there are no regulatory requirements.

OAC 252:100-2 (Incorporation by Reference) [Applicable]  
This subchapter incorporates by reference applicable provisions of Title 40 of the Code of Federal Regulations. These requirements are addressed in the “Federal Regulations” section.

OAC 252:100-3 (Air Quality Standards and Increments) [Applicable]  
Subchapter 3 enumerates the primary and secondary ambient air quality standards and the significant deterioration increments. At this time, all of Oklahoma is in “attainment” of these standards.

OAC 252:100-5 (Registration, Emissions Inventory and Annual Operating Fees) [Applicable]  
Subchapter 5 requires sources of air contaminants to register with Air Quality, file emission inventories annually, and pay annual operating fees based upon total annual emissions of regulated pollutants. Emission inventories have been submitted and fees paid for the past years.

OAC 252:100-8 (Permits for Part 70 Sources) [Applicable]  
Part 5 includes the general administrative requirements for Part 70 permits. Any planned changes in the operation of the facility that result in emissions not authorized in the permit and that exceed the “Insignificant Activities” or “Trivial Activities” thresholds require prior notification to AQD and may require a permit modification. Insignificant activities refer to those individual emission units either listed in Appendix I or whose actual calendar year emissions do not exceed the following limits.

- 5 TPY of any one criteria pollutant
- 2 TPY of any one hazardous air pollutant (HAP) or 5 TPY of multiple HAP or 20% of any threshold less than 10 TPY for a HAP that the EPA may establish by rule

Emission limitations and operational requirements necessary to assure compliance with all applicable requirements for all sources are taken from the permit applications, or developed from the applicable requirement.

OAC 252:100-9 (Excess Emissions Reporting Requirements) [Applicable]  
 Except as provided in OAC 252:100-9-7(a)(1), the owner or operator of a source of excess emissions shall notify the Director as soon as possible but no later than 4:30 p.m. the following working day of the first occurrence of excess emissions in each excess emission event. No later than thirty (30) calendar days after the start of any excess emission event, the owner or operator of an air contaminant source from which excess emissions have occurred shall submit a report for each excess emission event describing the extent of the event and the actions taken by the owner or operator of the facility in response to this event. Request for affirmative defense, as described in OAC 252:100-9-8, shall be included in the excess emission event report. Additional reporting may be required in the case of ongoing emission events and in the case of excess emissions reporting required by 40 CFR Parts 60, 61, or 63.

OAC 252:100-13 (Open Burning) [Applicable]  
 Open burning of refuse and other combustible material is prohibited except as authorized in the specific examples and under the conditions listed in this subchapter.

OAC 252:100-19 (Particulate Matter (PM)) [Applicable]  
 This subchapter specifies a particulate matter (PM) emission limitation of 0.6 lb/MMBTU from fuel-burning units with a rated heat input of 10 MMBTUH or less. Section 19-4 regulates emissions of PM from fuel-burning equipment. For fuel-burning equipment greater than 10 MMBTUH, this subchapter specifies a PM emission limitation based upon the heat input of the equipment is calculated according to the following equations:

$$E = 1.0428080X^{-0.238561} \text{ – For Units } > 10 \text{ MMBTUH but } < 1,000 \text{ MMBTUH}$$

Where:

E = allowable total particulate matter emissions in pounds per MMBTU and  
 X = the maximum heat input in MMBTU per hour.

EU	Heat Input Capacity, MMBTUH	PM Emission Limitation of OAC 252:100-19, lb/MMBTU	Anticipated PM Emission Rate, lb/MMBTU
EU-FW-1	5.2	0.60	0.04
EU-FW-2	5.2	0.60	0.04
EU-E-2	1.1	0.60	0.06

OAC 252:100-25 (Visible Emissions and Particulates) [Applicable]  
 No discharge of greater than 20% opacity is allowed except for short-term occurrences that consist of not more than one six-minute period in any consecutive 60 minutes, not to exceed three such periods in any consecutive 24 hours. In no case shall the average of any six-minute period exceed 60% opacity.

OAC 252:100-29 (Fugitive Dust)

[Applicable]

No person shall cause or permit the discharge of any visible fugitive dust emissions beyond the property line on which the emissions originate in such a manner as to damage or to interfere with the use of adjacent properties, or cause air quality standards to be exceeded, or interfere with the maintenance of air quality standards. Under normal operating conditions, this facility will not cause fugitive dust problems, therefore it is not necessary to require specific precautions to be taken.

OAC 252:100-31 (Sulfur Compounds)

[Applicable]

Part 2 limits the ambient air impact of hydrogen sulfide emissions from any new or existing source to 0.2 ppm for a 24-hour average (equivalent to 280 mg/m<sup>3</sup>). The emergency diesel engines burning diesel fuel with 15 ppm sulfur are unlikely to exceed the ambient air concentration standard. AERSCREEN modeling results were submitted for the thirteen (13) storage tanks. The two domed EFR tanks (EU-4 and EU-5) were modeled as point sources while the remaining eleven tanks were modeled as area sources. The model was run using meteorological data and data elevation provided by ODEQ. Results from the model show that the tanks will not exceed the ambient air concentration standard.

Source	H <sub>2</sub> S Concentration
	µg/m <sup>3</sup>
EU-1	18.89
EU-2	22.69
EU-3	16.76
EU-4	2.41
EU-5	2.41
EU-6	16.12
EU-7	16.12
EU-8	14.75
EU-9	14.75
EU-10	14.14
EU-11	10.05
EU-12	14.14
EU-13	13.71
<b>Total</b>	<b>176.94</b>

Part 5 limits sulfur dioxide emissions from new fuel-burning equipment (constructed after July 1, 1972). For gaseous fuels the limit is 0.2 lb/MMBTU heat input averaged over 3 hours. For fuel gas having a gross calorific value of 1,000 BTU/SCF, this limit corresponds to fuel sulfur content of 1,203 ppmv. For liquid fuels the limit is 0.8 lbs/MMBTU heat input. AP-42 (10/96) Table 3.3-1 lists diesel sulfur emissions to be 0.29 lbs/MMBTU, which is in compliance. Using diesel fuel compliant with NSPS Subpart III (15 ppm sulfur), SO<sub>2</sub> emissions would be 0.0015 lb/MMBTU.

OAC 252:100-33 (Nitrogen Oxides) [Not Applicable]  
This subchapter limits new gas-fired fuel-burning equipment with rated heat input greater than or equal to 50 MMBTUH to emissions of 0.20 lbs of NO<sub>x</sub> per MMBTU, three-hour average. There are no equipment items that exceed the 50 MMBTUH threshold.

OAC 252:100-35 (Carbon Monoxide) [Not Applicable]  
None of the following affected processes are located at this facility: gray iron foundry, blast furnace, basic oxygen furnace, petroleum catalytic reforming unit, or petroleum catalytic cracking unit.

OAC 252:100-37 (Volatile Organic Compounds) [Applicable]  
Part 3 requires storage tanks constructed after December 28, 1974, with a capacity of 400 gallons or more and storing a VOC with a vapor pressure greater than 1.5 psia to be equipped with a permanent submerged fill pipe or with an organic vapor recovery system. The storage tanks are subject to NSPS Subpart Kb, therefore, exempted from Subchapter 37.  
Part 3 requires storage tanks constructed after December 28, 1974, with a capacity greater than 40,000 gallons to be equipped with a floating roof or a vapor-recovery system capable of collecting 85% or more of the uncontrolled VOCs. All of the storage tanks are subject to 40 CFR Part 60, Subpart Kb, therefore, they are exempt from this part.  
Part 5 limits the VOC content of coatings. Any painting operation will involve maintenance coatings of buildings and equipment and emit less than 100 pounds per day of VOCs and is exempt.  
Part 7 requires fuel-burning equipment to be operated and maintained so as to minimize emissions.  
Part 7 requires all effluent water separator openings which receive water containing more than 200 gallons per day of any VOC to be sealed or the separator to be equipped with an external floating roof or a fixed roof with an internal floating roof or a vapor recovery system. No effluent water separators are located at this facility.

OAC 252:100-42 (Toxic Air Contaminants (TAC)) [Applicable]  
This subchapter regulates toxic air contaminants (TAC) that are emitted into the ambient air in areas of concern (AOC). Any work practice, material substitution, or control equipment required by the Department prior to June 11, 2004, to control a TAC, shall be retained unless a modification is approved by the Director. Since no Area of Concern (AOC) has been designated anywhere in the state, there are no specific requirements for this facility at this time.

OAC 252:100-43 (Testing, Monitoring, and Recordkeeping) [Applicable]  
This subchapter provides general requirements for testing, monitoring and recordkeeping and applies to any testing, monitoring or recordkeeping activity conducted at any stationary source. To determine compliance with emissions limitations or standards, the Air Quality Director may require the owner or operator of any source in the state of Oklahoma to install, maintain and operate monitoring equipment or to conduct tests, including stack tests, of the air contaminant source. All required testing must be conducted by methods approved by the Air Quality Director and under the direction of qualified personnel. A notice-of-intent to test and a testing protocol shall be submitted to Air Quality at least 30 days prior to any EPA Reference Method stack tests. Emissions and other data required to demonstrate compliance with any federal or state emission

limit or standard, or any requirement set forth in a valid permit shall be recorded, maintained, and submitted as required by this subchapter, an applicable rule, or permit requirement. Data from any required testing or monitoring not conducted in accordance with the provisions of this subchapter shall be considered invalid. Nothing shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

**The following Oklahoma Air Pollution Control Rules are not applicable to this facility:**

OAC 252:100-11	Alternative Reduction	not requested
OAC 252:100-15	Mobile Sources	not in source category
OAC 252:100-17	Incinerators	not type of emission unit
OAC 252:100-23	Cotton Gins	not type of emission unit
OAC 252:100-24	Feed & Grain Facility	not in source category
OAC 252:100-39	Nonattainment Areas	not in area category
OAC 252:100-47	Municipal Solid Waste Landfills	not in source category

### VIII. FEDERAL REGULATIONS

PSD, 40 CFR Part 52

[Not Applicable]

Total emissions are less than the major source threshold of 100 TPY of any single regulated pollutant and the facility is one of the 26 specific industries with a threshold of 100 TPY. Future emission increases will be evaluated for PSD.

NSPS, 40 CFR Part 60

[Subpart Kb and IIII Applicable]

Subpart Kb, VOL Storage Vessels. This subpart applies to volatile organic liquids storage vessels (including petroleum liquids storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984, and which have a capacity of 19,813 gallons (75 cubic meters) or more. 40 CFR Part 60.112b specifies that vessels with a design capacity greater than or equal to 39,980 gallons containing a VOL that, as stored, has a maximum true vapor pressure greater than or equal to 0.75 psia but less than 11 psia shall have one of the following vapor control devices: an external fixed roof in combination with an internal floating roof; an external floating roof; a closed vent system to a control device (flare, condenser, or absorber); or an equivalent system. The storage tanks (EU-1 thru EU-13) are all subject to this subpart. The permittee shall comply with this subpart by using external floating roofs as defined in §60.112b(a)(2). The permit will also require compliance with the testing (§60.113b), reporting and recordkeeping (§60.115b), and monitoring (§60.116b) of this subpart. In addition, the facility shall comply with all the applicable requirements 40 CFR Part 60 Subpart A including the notifications as described in §60.7.

Subpart GG, Stationary Gas Turbines. This subpart affects combustion turbines which commenced construction, reconstruction, or modification after October 3, 1977, and which have a heat input rating of 10 MMBTUH or more. There are no turbines at this facility.

Subpart KKK, Equipment Leaks of VOC from Onshore Natural Gas Processing Plants. This subpart applies to natural gas processing plants constructed, reconstructed or modified after January 20, 1984 but prior to August 23, 2011. The facility does not engage in natural gas processing.

Subpart LLL, Onshore Natural Gas Processing: SO<sub>2</sub> Emissions. This subpart affects sweetening units and sweetening units followed by sulfur recovery units. This facility does not have a sweetening unit.

Subpart IIII, Stationary Compression Ignition (CI) Internal Combustion Engines (ICE). This subpart affects CI ICE manufactured after 2007. The three (3) stationary diesel fired CI ICE engines at the facility (FW-1, FW-2 and E-2) were constructed after July 11, 2005 and are subject to this subpart.

Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (SI-ICE). This subpart was published in the Federal Register on January 18, 2008. It promulgates emission standards for all new SI engines ordered after June 12, 2006, that are manufactured after certain dates, and all SI engines modified or reconstructed after June 12, 2006. The specific emission standards (either in g/hp-hr or as a concentration limit) vary based on engine class, engine power rating, lean-burn or rich-burn, fuel type, duty (emergency or non-emergency), and manufacture date. There are no engines at this facility subject to this subpart.

Subpart OOOO, Crude Oil and Natural Gas Production, Transmission, and Distribution. This affects the following onshore affected facilities that commence construction, reconstruction, or modification after August 23, 2011:

- (a) Each gas well affected facility, which is a single natural gas well.
- (b) Each centrifugal compressor affected facility, which is a single centrifugal compressor using wet seals that is located between the wellhead and the point of custody transfer to the natural gas transmission and storage segment.
- (c) Each reciprocating compressor affected facility, which is a single reciprocating compressor located between the wellhead and the point of custody transfer to the natural gas transmission and storage segment.
- (d) Each pneumatic controller affected facility, which is:
  - (1) For the oil production segment (between the wellhead and the point of custody transfer to an oil pipeline): a single continuous bleed natural gas-driven pneumatic controller operating at a natural gas bleed rate greater than 6 SCFH.
  - (2) For the natural gas production segment (between the wellhead and the point of custody transfer to the natural gas transmission and storage segment and not including natural gas processing plants): a single continuous bleed natural gas-driven pneumatic controller operating at a natural gas bleed rate greater than 6 SCFH.
  - (3) For natural gas processing plants: a single continuous bleed natural gas-driven pneumatic controller.
- (e) Each storage vessel affected facility, which is a single storage vessel located in the oil and natural gas production segment, natural gas processing segment or natural gas transmission and storage segment, that contains an accumulation of crude oil, condensate, intermediate hydrocarbon liquids, or produced water and has the potential for VOC emissions equal to or greater than 6 TPY.
- (f) The group of all equipment, except compressors, within a process unit located at an onshore natural gas processing plant is an affected facility.
- (g) Sweetening units located at onshore natural gas processing plants that process natural gas produced from either onshore or offshore wells.

For each reciprocating compressor the owner/operator must replace the rod packing before 26,000 hours of operation or prior to 36 months. If utilizing the number of hours, the hours of operation must be continuously monitored. Commenced construction is based on the date that a contract was signed for installation of the compressor (excluding relocation) at the facility. There are no compressors subject to this subpart.

This facility is not a gas plant. The facility will comply with this subpart for pneumatic controllers that are constructed, modified, or reconstructed after October 23, 2011. This facility currently does not have any affected pneumatic controllers.

Storage vessels constructed, modified or reconstructed after August 23, 2011, with VOC emissions equal to or greater than 6 TPY must reduce VOC emissions by 95.0 % or greater. All new or modified storage vessels with PTE VOC emissions equal to or greater than 6 TPY after enforceable limits will have to comply with this subpart. The facility's storage tanks are subject to NSPS Subpart Kb and are not subject to this subpart.

The group of all equipment, except compressors, within a process unit at a natural gas processing plant must comply with the requirements of NSPS, Subpart VVa, except as provided in §60.5401. This facility is not a gas plant.

A sweetening unit means a process device that removes hydrogen sulfide and/or carbon dioxide from the sour natural gas stream. There are no sweetening units at this facility.

NESHAP, 40 CFR Part 61

[Not Applicable]

There are no emissions of any of the regulated pollutants: arsenic, asbestos, benzene, beryllium, coke oven emissions, mercury, radionuclides, or vinyl chloride except for trace amounts of benzene.

Subpart J, Equipment Leaks of Benzene, concerns only process streams which contain more than 10% benzene by weight. Analysis of Oklahoma natural gas indicates a maximum benzene content of less than 1%.

NESHAP, 40 CFR Part 63

[Subpart ZZZZ Applicable]

Subpart ZZZZ, Reciprocating Internal Combustion Engines (RICE). This subpart was published in the Federal Register on June 15, 2004 and affects existing, new, and reconstructed spark ignition 4-stroke rich-burn (4SRB) RICE, new or reconstructed spark ignition 2-stroke lean-burn (2SLB) RICE, new or reconstructed 4-stroke lean-burn (4SLB) RICE, and new or reconstructed compression ignition (CI) RICE, with a site-rating greater than 500 brake horsepower, that are located at a major source of HAP emissions. This facility is not a major source of HAPs. Changes to Subpart ZZZZ which affect area sources of HAP were published in the Federal Register as final on January 18, 2008. The effective date of this rule is March 18, 2008. This Subpart affects new and reconstructed stationary RICE (after June 12, 2006) that are located at an area source of HAPs. Affected stationary RICE must meet the requirements of this Subpart by meeting the requirements of NSPS Subpart IIII for compression ignition engines. No further requirements apply for such engines under this Subpart. The three (3) engines (FW-1, FW-2 and E-2) are subject to Subpart ZZZZ and must meet the requirements of 40 CFR Part 60, Subpart IIII. All applicable requirements have been incorporated into the permit.

Subpart DDDDD, Industrial, Commercial, and Institutional Boilers and Process Heaters (Major Source). This subpart affects new and existing industrial, commercial, and institutional boilers and process heaters at major sources of hazardous air pollutants (HAPs). This subpart does not apply since the plant is an area source of HAPs.

Subpart JJJJJ, Commercial and Institutional Boilers. This subpart affects new and existing boilers located at area sources of HAP, except for gas-fired boilers. Gas fired boilers are defined as any boiler that burns gaseous fuel not combined with any solid fuels, liquid fuel only during periods of gas curtailment, gas supply emergencies, or periodic testing on liquid fuel. There are no affected boilers at this facility.

Chemical Accident Prevention Provisions, 40 CFR Part 68 [Not Applicable]  
The definition of a stationary source does not apply to transportation, including storage incident to transportation, of any regulated substance or any other extremely hazardous substance under the provisions of this part. The definition of a stationary source also does not include naturally occurring hydrocarbon reservoirs. Naturally occurring hydrocarbon mixtures, prior to entry into a natural gas processing plant or a petroleum refining process unit, including: condensate, crude oil, field gas, and produced water, are exempt for the purpose of determining whether more than a threshold quantity of a regulated substance is present at the stationary source. More information on this federal program is available on the web page: [www.epa.gov/ceppo](http://www.epa.gov/ceppo).

## IX. COMPLIANCE

### **Tier Classification and Public Review**

This application has been classified as **Tier II** based on the request for a Title V Construction Permit. The applicant published the “Notice of Filing Tier II Application” in the *Cushing Citizen* newspaper on March 16, 2016. The facility will publish the DEQ “Notice of Tier II Draft Permit” in the *Cushing Citizen* newspaper. The notice will state that the draft permit is available for public review at the Cushing Public Library, located at 215 N. Steele Ave., Cushing, OK 7423, or at the DEQ main office in Oklahoma City.

The permittee has submitted an affidavit that they are not seeking a permit for land use or for any operation upon land owned by others without their knowledge. The affidavit certifies that the applicant owns the land. Information on all permit actions is available for review by the public in the Air Quality section of the DEQ Web Page: [www.deq.state.ok.us](http://www.deq.state.ok.us).

This facility is not located within 50 miles of any state border.

The draft/proposed permit will go through a 30-day public and 45-day EPA review.

### **Fee Paid**

Part 70 source construction permit application fee of \$7,500 has been paid.

**X. SUMMARY**

The owner/operator has demonstrated the ability to comply with the several air pollution control rules and regulations. Ambient air quality standards are not threatened at this site. There are no active Air Quality compliance or enforcement issues that would prevent issuance of the permit. Issuance of the construction permit is recommended, contingent on public and EPA review.

**DRAFT/PROPOSED**

**PERMIT TO CONSTRUCT  
AIR POLLUTION CONTROL FACILITY  
SPECIFIC CONDITIONS**

**TransCanada Keystone Pipeline, LP  
Cushing Tank Terminal**

**Permit Number 2016-0267-C**

The permittee is authorized to construct in conformity with the specifications submitted to the Air Quality Division (AQD) on March 11, 2016. The Evaluation Memorandum dated July 22, 2016, explains the derivation of applicable permit requirements and estimates of emissions; however, it does not contain operating limitations or permit requirements. Commencing construction under this permit constitutes acceptance of, and consent to, the conditions contained herein.

1. Points of emissions and emissions limitations and standards for each point:

[OAC 252:100-8-6(a)(1)]

**EUG A Reciprocating Internal Combustion Engines**

EU	NO <sub>x</sub>		CO		VOC	
	lb/hr	TPY	lb/hr	TPY	lb/hr	TPY
EU-FW-1	4.63	0.23	4.01	0.20	0.01	0.01
EU-FW-2	4.63	0.23	4.01	0.20	0.01	0.01
EU-E-2	1.00	0.05	1.68	0.08	0.34	0.02

- A. Engines EU-FW-1, EU-FW-2 and EU-E-2 are limited to 100 hours of annual operation each.
- B. With respect to the diesel-fired IC units, Subpart IIII limits sulfur to 15-ppm (0.0015% by weight). Using No. 2 diesel with 0.0015% sulfur will result in SO<sub>2</sub> emissions of 0.0015 lb/MMBTU, which is in compliance with Subchapter 31. Compliance shall be demonstrated at least once per calendar year. [OAC 252:100-8-6(a)]

**EUG B Storage Tanks**

EU ID#	Point ID#	Roof Type	Capacity (bbl.)	Constr. Date
EU-1	P-1	EFR	250,000	04/01/2014
EU-2	P-2	EFR	250,000	04/01/2014
EU-3	P-3	EFR	250,000	04/01/2014
EU-4	P-4	Domed EFR	250,000	04/01/2014
EU-5	P-5	Domed EFR	250,000	04/01/2014
EU-6	P-6	EFR	250,000	04/01/2014
EU-7	P-7	EFR	250,000	04/01/2014
EU-8	P-8	EFR	250,000	TBD
EU-9	P-9	EFR	250,000	TBD
EU-10	P-10	EFR	250,000	TBD
EU-11	P-11	EFR	250,000	TBD
EU-12	P-12	EFR	250,000	TBD
EU-13	P-13	EFR	250,000	TBD

- a) The facility is limited to 182.88 TPY of VOC emissions, 12-month rolling total. Compliance can be shown by the monthly calculations for the facility emissions using individual tank throughput and tank content, along with the roof landing emission calculations for EUG C, and engine emissions from EUG A. Transfer between tanks shall be included in throughput calculations.
- b) All above tanks are subject to federal New Source Performance Standards, 40 CFR 60 Subpart Kb, and shall comply with all applicable standards including but not limited to:  
[40 CFR 60, Subpart Kb]
- i. External floating roof standards:
- 1) The external floating roof shall be floating on the liquid surface at all times except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.
  - 2) Each opening in the external floating roof except for rim space vents and automatic bleeder vents shall provide a projection below the liquid surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the floating roof is to be maintained in a closed position (i.e., no visible gaps) except when in actual use.
  - 3) Automatic bleeder vents are to be closed at all times when the roof is floating except when the roof is being floated off or landed on the roof leg supports.
  - 4) Rim space vents are to be set to open only at the manufacturer's recommended setting or when the external floating roof is not floating.
  - 5) Two seals shall be installed, a primary mechanical shoe seal or liquid-mounted seal and a secondary seal which completely covers the annular space between the floating roof and the tank shell.
  - 6) The primary seals shall be checked every 5 years. The secondary seal on an external floating roof shall be checked at least yearly for gaps. The secondary seal gap area to tank circumference ratio shall not exceed 1 square inch per foot of tank diameter nor shall any gap exceed 0.5 inches. The primary seal gap area to tank circumference ratio shall not exceed 10 square inch per foot of tank diameter nor shall any gap exceed 1.5 inches.
- ii. Internal floating roof standards:
- 1) The internal floating roof shall be floating on the liquid surface at all times except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.
  - 2) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be maintained in a closed position (i.e., no visible gaps) except when in actual use. Covers on the access hatch and each automatic gauge float well shall be bolted except when in use.

- 3) Automatic bleeder vents are to be closed at all times when the roof is floating except when the roof is being floated off or landed on the roof leg supports.
  - 4) Rim space vents are to be set to open only at the manufacturer's recommended setting or when the internal floating roof is not floating.
- iii. Standards for all floating roof tanks:
- 1) The owner or operator shall visually inspect the floating roof, the primary seal, the secondary seal (if present), gaskets, slotted membranes (if present), and sleeve seals (if present) each time the storage vessel is emptied and degassed. If the floating roof has defects, the primary seal has holes, tears, or other openings in the seal or seal fabric; or the secondary seal has holes, tears, or other openings in the seal or seal fabric; or the gaskets no longer close off the liquid surface from the atmosphere; or the slotted membrane has more than 10% open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exists before refilling the storage vessel with volatile organic liquid (VOL).
  - 2) The owner or operator shall notify Air Quality in writing at least 30 days prior to filling or refilling of this storage vessel for which inspection is required by 40 CFR Part 60.113b to afford Air Quality an opportunity to have an observer present. If the inspection is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify Air Quality at least seven days prior to refilling the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent so that it is received by Air Quality at least seven days prior to refilling.
  - 3) The owner or operator of these storage vessels shall keep records and furnish reports as required by 40 CFR Part 60.115b. Copies of these reports and records shall be kept for at least two years following the date on which they were made.

### **EUG C Landing Emissions**

Roof landing emissions are estimated based on existing equipment items.

<b>EU</b>	<b>Description</b>	<b>VOC Emissions</b>
EU-L-1	Roof Landing Emissions	30.36 TPY

- a) Records shall be kept of the number of landing events each month, including calculations of emissions.

**EUG D Fugitive Emissions**

Fugitive VOC emissions are based on existing equipment items, but do not have a specific limitation.

EU ID	Point ID	Source	# Items*
EU-FUG-1	P-FUG-1	Valves - Light Oil	1148
		Pump Seals - Light Oil	60
		Pump Seals - Water/Oil	20
		Other - Light Oil	500
		Other - Water/Oil	50
		Connectors - Light Oil	3904
		Flanges - Light Oil	3904
		Open-Ended Lines - Light Oil	20

\* - Estimation only, not a permit limit

2. Upon issuance of an operating permit, the permittee shall be authorized to operate this facility continuously (24 hours per day, any day of the year). [OAC 252:100-8-6]
3. Each engine at the facility shall have a permanent identification plate attached which shows the make, model number, and serial number. [OAC 252:100-43]
4. When monitoring shows concentrations or emissions in excess of the limits of Specific Condition No. 1, the owner or operator shall comply with the provisions of OAC 252:100-9 for excess emissions. [OAC 252:100-9]
5. The permittee shall comply with all applicable requirements of the New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines, Subpart IIII, for each affected engine including but not limited to the following:
  - a. §60.4200: Am I subject to this subpart?
  - b. §60.4202: What emissions standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacture?
  - c. §60.4204: What emissions standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?
  - d. §60.4205: What emissions standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?
  - e. §60.4206: How long must my engines meet the emissions standards if I am a owner or operator of a stationary CI internal combustion engine?
  - f. §60.4207: What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?
  - g. §60.4208: What is the deadline for importing or installing stationary CI ICE produced in the previous model year?
  - h. §60.4209: What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?
  - i. §60.4211: What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?

- j. §60.4212: What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?
  - k. §60.4213: What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?
  - l. §60.4214: What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?
  - m. §60.4217: What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?
  - n. §60.4218: What parts of the General Provisions apply to me?
  - o. §60.4219: What definitions apply to this subpart?
6. The permittee shall comply with all applicable requirements of the NESHAP: Reciprocating Internal Combustion Engines, Subpart ZZZZ, for each affected facility including but not limited to:
- a. § 63.6580 What is the purpose of subpart ZZZZ?
  - b. § 63.6585 Am I subject to this subpart?
  - c. § 63.6590 What parts of my plant does this subpart cover?
  - d. § 63.6595 When do I have to comply with this subpart?
  - e. § 63.6603 What emission limitations and operating limitations must I meet if I own or operate an existing stationary RICE located at an area source of HAP emissions?
  - f. § 63.6605 What are my general requirements for complying with this subpart?
  - g. § 63.6625 What are my monitoring, installation, operation, and maintenance requirements?
  - h. § 63.6630 How do I demonstrate initial compliance with the emission limitations and operating limitations?
  - i. § 63.6640 How do I demonstrate continuous compliance with the emission limitations and operating limitations?
  - j. § 63.6650 What reports must I submit and when?
  - k. § 63.6655 What records must I keep?
  - l. § 63.6660 In what form and how long must I keep my records?
  - m. § 63.6665 What parts of the General Provisions apply to me?
  - n. § 63.6670 Who implements and enforces this subpart?
  - o. § 63.6675 What definitions apply to this subpart?
7. The permittee shall maintain records of operations as listed below. These records shall be maintained on-site for at least five years after the date of recording and shall be provided to regulatory personnel upon request. [ OAC 252:100-43]
- a. Periodic testing of NO<sub>x</sub> and CO exhaust from each engine.
  - b. Operating hours for the engines if less than 220 hours per quarter and not tested.
  - c. O&M records for an engine if not tested in each 6-month period.
  - d. For the fuel(s) burned, the appropriate document(s) as described in Specific Condition No. 1-EUG1(B).
  - e. Records required by 40 CFR Part 60, Subpart Kb and Subpart III.
  - f. Records required by 40 CFR Part 63, Subpart ZZZZ.

- g. Records of throughput and vapor pressure and calculations (monthly and 12-month rolling totals) to show compliance with VOC limits in Specific Condition 1.
  - h. Type of liquid material, maximum true vapor pressure, and period of storage for each tank.
  - i. Records of crude oil classification (“sour” or “sweet”) and sulfur content of crude oil in each tank (monthly).
  - j. Number of roof landing events and VOC emission calculations (monthly and 12-month rolling total).
8. The permittee shall apply for an initial Part 70 operating permit within 180 days of start-up of the facility.

**MAJOR SOURCE AIR QUALITY PERMIT  
STANDARD CONDITIONS  
(July 21, 2009)**

**SECTION I. DUTY TO COMPLY**

A. This is a permit to operate / construct this specific facility in accordance with the federal Clean Air Act (42 U.S.C. 7401, et al.) and under the authority of the Oklahoma Clean Air Act and the rules promulgated there under. [Oklahoma Clean Air Act, 27A O.S. § 2-5-112]

B. The issuing Authority for the permit is the Air Quality Division (AQD) of the Oklahoma Department of Environmental Quality (DEQ). The permit does not relieve the holder of the obligation to comply with other applicable federal, state, or local statutes, regulations, rules, or ordinances. [Oklahoma Clean Air Act, 27A O.S. § 2-5-112]

C. The permittee shall comply with all conditions of this permit. Any permit noncompliance shall constitute a violation of the Oklahoma Clean Air Act and shall be grounds for enforcement action, permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application. All terms and conditions are enforceable by the DEQ, by the Environmental Protection Agency (EPA), and by citizens under section 304 of the Federal Clean Air Act (excluding state-only requirements). This permit is valid for operations only at the specific location listed.

[40 C.F.R. §70.6(b), OAC 252:100-8-1.3 and OAC 252:100-8-6(a)(7)(A) and (b)(1)]

D. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in assessing penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations. [OAC 252:100-8-6(a)(7)(B)]

**SECTION II. REPORTING OF DEVIATIONS FROM PERMIT TERMS**

A. Any exceedance resulting from an emergency and/or posing an imminent and substantial danger to public health, safety, or the environment shall be reported in accordance with Section XIV (Emergencies). [OAC 252:100-8-6(a)(3)(C)(iii)(I) & (II)]

B. Deviations that result in emissions exceeding those allowed in this permit shall be reported consistent with the requirements of OAC 252:100-9, Excess Emission Reporting Requirements. [OAC 252:100-8-6(a)(3)(C)(iv)]

C. Every written report submitted under this section shall be certified as required by Section III (Monitoring, Testing, Recordkeeping & Reporting), Paragraph F. [OAC 252:100-8-6(a)(3)(C)(iv)]

**SECTION III. MONITORING, TESTING, RECORDKEEPING & REPORTING**

A. The permittee shall keep records as specified in this permit. These records, including monitoring data and necessary support information, shall be retained on-site or at a nearby field office for a period of at least five years from the date of the monitoring sample, measurement, report, or application, and shall be made available for inspection by regulatory personnel upon request. Support information includes all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Where appropriate, the permit may specify that records may be maintained in computerized form.

[OAC 252:100-8-6 (a)(3)(B)(ii), OAC 252:100-8-6(c)(1), and OAC 252:100-8-6(c)(2)(B)]

B. Records of required monitoring shall include:

- (1) the date, place and time of sampling or measurement;
- (2) the date or dates analyses were performed;
- (3) the company or entity which performed the analyses;
- (4) the analytical techniques or methods used;
- (5) the results of such analyses; and
- (6) the operating conditions existing at the time of sampling or measurement.

[OAC 252:100-8-6(a)(3)(B)(i)]

C. No later than 30 days after each six (6) month period, after the date of the issuance of the original Part 70 operating permit or alternative date as specifically identified in a subsequent Part 70 operating permit, the permittee shall submit to AQD a report of the results of any required monitoring. All instances of deviations from permit requirements since the previous report shall be clearly identified in the report. Submission of these periodic reports will satisfy any reporting requirement of Paragraph E below that is duplicative of the periodic reports, if so noted on the submitted report.

[OAC 252:100-8-6(a)(3)(C)(i) and (ii)]

D. If any testing shows emissions in excess of limitations specified in this permit, the owner or operator shall comply with the provisions of Section II (Reporting Of Deviations From Permit Terms) of these standard conditions.

[OAC 252:100-8-6(a)(3)(C)(iii)]

E. In addition to any monitoring, recordkeeping or reporting requirement specified in this permit, monitoring and reporting may be required under the provisions of OAC 252:100-43, Testing, Monitoring, and Recordkeeping, or as required by any provision of the Federal Clean Air Act or Oklahoma Clean Air Act.

[OAC 252:100-43]

F. Any Annual Certification of Compliance, Semi Annual Monitoring and Deviation Report, Excess Emission Report, and Annual Emission Inventory submitted in accordance with this permit shall be certified by a responsible official. This certification shall be signed by a responsible official, and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

[OAC 252:100-8-5(f), OAC 252:100-8-6(a)(3)(C)(iv), OAC 252:100-8-6(c)(1), OAC 252:100-9-7(e), and OAC 252:100-5-2.1(f)]

G. Any owner or operator subject to the provisions of New Source Performance Standards ("NSPS") under 40 CFR Part 60 or National Emission Standards for Hazardous Air Pollutants ("NESHAPs") under 40 CFR Parts 61 and 63 shall maintain a file of all measurements and other

information required by the applicable general provisions and subpart(s). These records shall be maintained in a permanent file suitable for inspection, shall be retained for a period of at least five years as required by Paragraph A of this Section, and shall include records of the occurrence and duration of any start-up, shutdown, or malfunction in the operation of an affected facility, any malfunction of the air pollution control equipment; and any periods during which a continuous monitoring system or monitoring device is inoperative.

[40 C.F.R. §§60.7 and 63.10, 40 CFR Parts 61, Subpart A, and OAC 252:100, Appendix Q]

H. The permittee of a facility that is operating subject to a schedule of compliance shall submit to the DEQ a progress report at least semi-annually. The progress reports shall contain dates for achieving the activities, milestones or compliance required in the schedule of compliance and the dates when such activities, milestones or compliance was achieved. The progress reports shall also contain an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted. [OAC 252:100-8-6(c)(4)]

I. All testing must be conducted under the direction of qualified personnel by methods approved by the Division Director. All tests shall be made and the results calculated in accordance with standard test procedures. The use of alternative test procedures must be approved by EPA. When a portable analyzer is used to measure emissions it shall be setup, calibrated, and operated in accordance with the manufacturer's instructions and in accordance with a protocol meeting the requirements of the "AQD Portable Analyzer Guidance" document or an equivalent method approved by Air Quality.

[OAC 252:100-8-6(a)(3)(A)(iv), and OAC 252:100-43]

J. The reporting of total particulate matter emissions as required in Part 7 of OAC 252:100-8 (Permits for Part 70 Sources), OAC 252:100-19 (Control of Emission of Particulate Matter), and OAC 252:100-5 (Emission Inventory), shall be conducted in accordance with applicable testing or calculation procedures, modified to include back-half condensables, for the concentration of particulate matter less than 10 microns in diameter (PM<sub>10</sub>). NSPS may allow reporting of only particulate matter emissions caught in the filter (obtained using Reference Method 5).

K. The permittee shall submit to the AQD a copy of all reports submitted to the EPA as required by 40 C.F.R. Part 60, 61, and 63, for all equipment constructed or operated under this permit subject to such standards. [OAC 252:100-8-6(c)(1) and OAC 252:100, Appendix Q]

#### SECTION IV. COMPLIANCE CERTIFICATIONS

A. No later than 30 days after each anniversary date of the issuance of the original Part 70 operating permit or alternative date as specifically identified in a subsequent Part 70 operating permit, the permittee shall submit to the AQD, with a copy to the US EPA, Region 6, a certification of compliance with the terms and conditions of this permit and of any other applicable requirements which have become effective since the issuance of this permit.

[OAC 252:100-8-6(c)(5)(A), and (D)]

B. The compliance certification shall describe the operating permit term or condition that is the basis of the certification; the current compliance status; whether compliance was continuous or intermittent; the methods used for determining compliance, currently and over the reporting period. The compliance certification shall also include such other facts as the permitting authority may require to determine the compliance status of the source.

[OAC 252:100-8-6(c)(5)(C)(i)-(v)]

C. The compliance certification shall contain a certification by a responsible official as to the results of the required monitoring. This certification shall be signed by a responsible official, and shall contain the following language: “I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.”  
[OAC 252:100-8-5(f) and OAC 252:100-8-6(c)(1)]

D. Any facility reporting noncompliance shall submit a schedule of compliance for emissions units or stationary sources that are not in compliance with all applicable requirements. This schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the emissions unit or stationary source is in noncompliance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the emissions unit or stationary source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based, except that a compliance plan shall not be required for any noncompliance condition which is corrected within 24 hours of discovery.

[OAC 252:100-8-5(e)(8)(B) and OAC 252:100-8-6(c)(3)]

#### **SECTION V. REQUIREMENTS THAT BECOME APPLICABLE DURING THE PERMIT TERM**

The permittee shall comply with any additional requirements that become effective during the permit term and that are applicable to the facility. Compliance with all new requirements shall be certified in the next annual certification.  
[OAC 252:100-8-6(c)(6)]

#### **SECTION VI. PERMIT SHIELD**

A. Compliance with the terms and conditions of this permit (including terms and conditions established for alternate operating scenarios, emissions trading, and emissions averaging, but excluding terms and conditions for which the permit shield is expressly prohibited under OAC 252:100-8) shall be deemed compliance with the applicable requirements identified and included in this permit.  
[OAC 252:100-8-6(d)(1)]

B. Those requirements that are applicable are listed in the Standard Conditions and the Specific Conditions of this permit. Those requirements that the applicant requested be determined as not applicable are summarized in the Specific Conditions of this permit. [OAC 252:100-8-6(d)(2)]

#### **SECTION VII. ANNUAL EMISSIONS INVENTORY & FEE PAYMENT**

The permittee shall file with the AQD an annual emission inventory and shall pay annual fees based on emissions inventories. The methods used to calculate emissions for inventory purposes shall be based on the best available information accepted by AQD.

[OAC 252:100-5-2.1, OAC 252:100-5-2.2, and OAC 252:100-8-6(a)(8)]

**SECTION VIII. TERM OF PERMIT**

- A. Unless specified otherwise, the term of an operating permit shall be five years from the date of issuance. [OAC 252:100-8-6(a)(2)(A)]
- B. A source's right to operate shall terminate upon the expiration of its permit unless a timely and complete renewal application has been submitted at least 180 days before the date of expiration. [OAC 252:100-8-7.1(d)(1)]
- C. A duly issued construction permit or authorization to construct or modify will terminate and become null and void (unless extended as provided in OAC 252:100-8-1.4(b)) if the construction is not commenced within 18 months after the date the permit or authorization was issued, or if work is suspended for more than 18 months after it is commenced. [OAC 252:100-8-1.4(a)]
- D. The recipient of a construction permit shall apply for a permit to operate (or modified operating permit) within 180 days following the first day of operation. [OAC 252:100-8-4(b)(5)]

**SECTION IX. SEVERABILITY**

The provisions of this permit are severable and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby. [OAC 252:100-8-6 (a)(6)]

**SECTION X. PROPERTY RIGHTS**

- A. This permit does not convey any property rights of any sort, or any exclusive privilege. [OAC 252:100-8-6(a)(7)(D)]
- B. This permit shall not be considered in any manner affecting the title of the premises upon which the equipment is located and does not release the permittee from any liability for damage to persons or property caused by or resulting from the maintenance or operation of the equipment for which the permit is issued. [OAC 252:100-8-6(c)(6)]

**SECTION XI. DUTY TO PROVIDE INFORMATION**

- A. The permittee shall furnish to the DEQ, upon receipt of a written request and within sixty (60) days of the request unless the DEQ specifies another time period, any information that the DEQ may request to determine whether cause exists for modifying, reopening, revoking, reissuing, terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the DEQ copies of records required to be kept by the permit. [OAC 252:100-8-6(a)(7)(E)]
- B. The permittee may make a claim of confidentiality for any information or records submitted pursuant to 27A O.S. § 2-5-105(18). Confidential information shall be clearly labeled as such and shall be separable from the main body of the document such as in an attachment. [OAC 252:100-8-6(a)(7)(E)]

C. Notification to the AQD of the sale or transfer of ownership of this facility is required and shall be made in writing within thirty (30) days after such sale or transfer.

[Oklahoma Clean Air Act, 27A O.S. § 2-5-112(G)]

## **SECTION XII. REOPENING, MODIFICATION & REVOCATION**

A. The permit may be modified, revoked, reopened and reissued, or terminated for cause. Except as provided for minor permit modifications, the filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance does not stay any permit condition.

[OAC 252:100-8-6(a)(7)(C) and OAC 252:100-8-7.2(b)]

B. The DEQ will reopen and revise or revoke this permit prior to the expiration date in the following circumstances:

[OAC 252:100-8-7.3 and OAC 252:100-8-7.4(a)(2)]

- (1) Additional requirements under the Clean Air Act become applicable to a major source category three or more years prior to the expiration date of this permit. No such reopening is required if the effective date of the requirement is later than the expiration date of this permit.
- (2) The DEQ or the EPA determines that this permit contains a material mistake or that the permit must be revised or revoked to assure compliance with the applicable requirements.
- (3) The DEQ or the EPA determines that inaccurate information was used in establishing the emission standards, limitations, or other conditions of this permit. The DEQ may revoke and not reissue this permit if it determines that the permittee has submitted false or misleading information to the DEQ.
- (4) DEQ determines that the permit should be amended under the discretionary reopening provisions of OAC 252:100-8-7.3(b).

C. The permit may be reopened for cause by EPA, pursuant to the provisions of OAC 100-8-7.3(d).

[OAC 100-8-7.3(d)]

D. The permittee shall notify AQD before making changes other than those described in Section XVIII (Operational Flexibility), those qualifying for administrative permit amendments, or those defined as an Insignificant Activity (Section XVI) or Trivial Activity (Section XVII). The notification should include any changes which may alter the status of a “grandfathered source,” as defined under AQD rules. Such changes may require a permit modification.

[OAC 252:100-8-7.2(b) and OAC 252:100-5-1.1]

E. Activities that will result in air emissions that exceed the trivial/insignificant levels and that are not specifically approved by this permit are prohibited.

[OAC 252:100-8-6(c)(6)]

## **SECTION XIII. INSPECTION & ENTRY**

A. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized regulatory officials to perform the following (subject to the permittee's right to seek confidential treatment pursuant to 27A O.S. Supp. 1998, § 2-5-105(18) for confidential information submitted to or obtained by the DEQ under this section):

- (1) enter upon the permittee's premises during reasonable/normal working hours where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (2) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (3) inspect, at reasonable times and using reasonable safety practices, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- (4) as authorized by the Oklahoma Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit.

[OAC 252:100-8-6(c)(2)]

#### SECTION XIV. EMERGENCIES

A. Any exceedance resulting from an emergency shall be reported to AQD promptly but no later than 4:30 p.m. on the next working day after the permittee first becomes aware of the exceedance. This notice shall contain a description of the emergency, the probable cause of the exceedance, any steps taken to mitigate emissions, and corrective actions taken.

[OAC 252:100-8-6 (a)(3)(C)(iii)(I) and (IV)]

B. Any exceedance that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to AQD as soon as is practicable; but under no circumstance shall notification be more than 24 hours after the exceedance. [OAC 252:100-8-6(a)(3)(C)(iii)(II)]

C. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error. [OAC 252:100-8-2]

D. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that: [OAC 252:100-8-6 (e)(2)]

- (1) an emergency occurred and the permittee can identify the cause or causes of the emergency;
- (2) the permitted facility was at the time being properly operated;
- (3) during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit.

E. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [OAC 252:100-8-6(e)(3)]

F. Every written report or document submitted under this section shall be certified as required by Section III (Monitoring, Testing, Recordkeeping & Reporting), Paragraph F.

[OAC 252:100-8-6(a)(3)(C)(iv)]

**SECTION XV. RISK MANAGEMENT PLAN**

The permittee, if subject to the provision of Section 112(r) of the Clean Air Act, shall develop and register with the appropriate agency a risk management plan by June 20, 1999, or the applicable effective date. [OAC 252:100-8-6(a)(4)]

**SECTION XVI. INSIGNIFICANT ACTIVITIES**

Except as otherwise prohibited or limited by this permit, the permittee is hereby authorized to operate individual emissions units that are either on the list in Appendix I to OAC Title 252, Chapter 100, or whose actual calendar year emissions do not exceed any of the limits below. Any activity to which a State or Federal applicable requirement applies is not insignificant even if it meets the criteria below or is included on the insignificant activities list.

- (1) 5 tons per year of any one criteria pollutant.
- (2) 2 tons per year for any one hazardous air pollutant (HAP) or 5 tons per year for an aggregate of two or more HAP's, or 20 percent of any threshold less than 10 tons per year for single HAP that the EPA may establish by rule.

[OAC 252:100-8-2 and OAC 252:100, Appendix I]

**SECTION XVII. TRIVIAL ACTIVITIES**

Except as otherwise prohibited or limited by this permit, the permittee is hereby authorized to operate any individual or combination of air emissions units that are considered inconsequential and are on the list in Appendix J. Any activity to which a State or Federal applicable requirement applies is not trivial even if included on the trivial activities list.

[OAC 252:100-8-2 and OAC 252:100, Appendix J]

**SECTION XVIII. OPERATIONAL FLEXIBILITY**

A. A facility may implement any operating scenario allowed for in its Part 70 permit without the need for any permit revision or any notification to the DEQ (unless specified otherwise in the permit). When an operating scenario is changed, the permittee shall record in a log at the facility the scenario under which it is operating. [OAC 252:100-8-6(a)(10) and (f)(1)]

B. The permittee may make changes within the facility that:

- (1) result in no net emissions increases,
- (2) are not modifications under any provision of Title I of the federal Clean Air Act, and
- (3) do not cause any hourly or annual permitted emission rate of any existing emissions unit to be exceeded;

provided that the facility provides the EPA and the DEQ with written notification as required below in advance of the proposed changes, which shall be a minimum of seven (7) days, or twenty four (24) hours for emergencies as defined in OAC 252:100-8-6 (e). The permittee, the DEQ, and the EPA shall attach each such notice to their copy of the permit. For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions,

and any permit term or condition that is no longer applicable as a result of the change. The permit shield provided by this permit does not apply to any change made pursuant to this paragraph. [OAC 252:100-8-6(f)(2)]

### SECTION XIX. OTHER APPLICABLE & STATE-ONLY REQUIREMENTS

A. The following applicable requirements and state-only requirements apply to the facility unless elsewhere covered by a more restrictive requirement:

- (1) Open burning of refuse and other combustible material is prohibited except as authorized in the specific examples and under the conditions listed in the Open Burning Subchapter. [OAC 252:100-13]
- (2) No particulate emissions from any fuel-burning equipment with a rated heat input of 10 MMBTUH or less shall exceed 0.6 lb/MMBTU. [OAC 252:100-19]
- (3) For all emissions units not subject to an opacity limit promulgated under 40 C.F.R., Part 60, NSPS, no discharge of greater than 20% opacity is allowed except for: [OAC 252:100-25]
  - (a) Short-term occurrences which consist of not more than one six-minute period in any consecutive 60 minutes, not to exceed three such periods in any consecutive 24 hours. In no case shall the average of any six-minute period exceed 60% opacity;
  - (b) Smoke resulting from fires covered by the exceptions outlined in OAC 252:100-13-7;
  - (c) An emission, where the presence of uncombined water is the only reason for failure to meet the requirements of OAC 252:100-25-3(a); or
  - (d) Smoke generated due to a malfunction in a facility, when the source of the fuel producing the smoke is not under the direct and immediate control of the facility and the immediate constriction of the fuel flow at the facility would produce a hazard to life and/or property.
- (4) No visible fugitive dust emissions shall be discharged beyond the property line on which the emissions originate in such a manner as to damage or to interfere with the use of adjacent properties, or cause air quality standards to be exceeded, or interfere with the maintenance of air quality standards. [OAC 252:100-29]
- (5) No sulfur oxide emissions from new gas-fired fuel-burning equipment shall exceed 0.2 lb/MMBTU. No existing source shall exceed the listed ambient air standards for sulfur dioxide. [OAC 252:100-31]
- (6) Volatile Organic Compound (VOC) storage tanks built after December 28, 1974, and with a capacity of 400 gallons or more storing a liquid with a vapor pressure of 1.5 psia or greater under actual conditions shall be equipped with a permanent submerged fill pipe or with a vapor-recovery system. [OAC 252:100-37-15(b)]
- (7) All fuel-burning equipment shall at all times be properly operated and maintained in a manner that will minimize emissions of VOCs. [OAC 252:100-37-36]

**SECTION XX. STRATOSPHERIC OZONE PROTECTION**

A. The permittee shall comply with the following standards for production and consumption of ozone-depleting substances: [40 CFR 82, Subpart A]

- (1) Persons producing, importing, or placing an order for production or importation of certain class I and class II substances, HCFC-22, or HCFC-141b shall be subject to the requirements of §82.4;
- (2) Producers, importers, exporters, purchasers, and persons who transform or destroy certain class I and class II substances, HCFC-22, or HCFC-141b are subject to the recordkeeping requirements at §82.13; and
- (3) Class I substances (listed at Appendix A to Subpart A) include certain CFCs, Halons, HBFCs, carbon tetrachloride, trichloroethane (methyl chloroform), and bromomethane (Methyl Bromide). Class II substances (listed at Appendix B to Subpart A) include HCFCs.

B. If the permittee performs a service on motor (fleet) vehicles when this service involves an ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all applicable requirements. Note: The term “motor vehicle” as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term “MVAC” as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or the system used on passenger buses using HCFC-22 refrigerant. [40 CFR 82, Subpart B]

C. The permittee shall comply with the following standards for recycling and emissions reduction except as provided for MVACs in Subpart B: [40 CFR 82, Subpart F]

- (1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to § 82.156;
- (2) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to § 82.158;
- (3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to § 82.161;
- (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record-keeping requirements pursuant to § 82.166;
- (5) Persons owning commercial or industrial process refrigeration equipment must comply with leak repair requirements pursuant to § 82.158; and
- (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to § 82.166.

**SECTION XXI. TITLE V APPROVAL LANGUAGE**

A. DEQ wishes to reduce the time and work associated with permit review and, wherever it is not inconsistent with Federal requirements, to provide for incorporation of requirements established through construction permitting into the Source’s Title V permit without causing redundant review. Requirements from construction permits may be incorporated into the Title V permit through the administrative amendment process set forth in OAC 252:100-8-7.2(a) only if the following procedures are followed:

- (1) The construction permit goes out for a 30-day public notice and comment using the procedures set forth in 40 C.F.R. § 70.7(h)(1). This public notice shall include notice to the public that this permit is subject to EPA review, EPA objection, and petition to EPA, as provided by 40 C.F.R. § 70.8; that the requirements of the construction permit will be incorporated into the Title V permit through the administrative amendment process; that the public will not receive another opportunity to provide comments when the requirements are incorporated into the Title V permit; and that EPA review, EPA objection, and petitions to EPA will not be available to the public when requirements from the construction permit are incorporated into the Title V permit.
- (2) A copy of the construction permit application is sent to EPA, as provided by 40 CFR § 70.8(a)(1).
- (3) A copy of the draft construction permit is sent to any affected State, as provided by 40 C.F.R. § 70.8(b).
- (4) A copy of the proposed construction permit is sent to EPA for a 45-day review period as provided by 40 C.F.R. § 70.8(a) and (c).
- (5) The DEQ complies with 40 C.F.R. § 70.8(c) upon the written receipt within the 45-day comment period of any EPA objection to the construction permit. The DEQ shall not issue the permit until EPA's objections are resolved to the satisfaction of EPA.
- (6) The DEQ complies with 40 C.F.R. § 70.8(d).
- (7) A copy of the final construction permit is sent to EPA as provided by 40 CFR § 70.8(a).
- (8) The DEQ shall not issue the proposed construction permit until any affected State and EPA have had an opportunity to review the proposed permit, as provided by these permit conditions.
- (9) Any requirements of the construction permit may be reopened for cause after incorporation into the Title V permit by the administrative amendment process, by DEQ as provided in OAC 252:100-8-7.3(a), (b), and (c), and by EPA as provided in 40 C.F.R. § 70.7(f) and (g).
- (10) The DEQ shall not issue the administrative permit amendment if performance tests fail to demonstrate that the source is operating in substantial compliance with all permit requirements.

B. To the extent that these conditions are not followed, the Title V permit must go through the Title V review process.

## **SECTION XXII. CREDIBLE EVIDENCE**

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any provision of the Oklahoma implementation plan, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[OAC 252:100-43-6]

**DRAFT/PROPOSED**

TransCanada Keystone Pipeline, LP  
Attn: Tiffany Grady  
700 Louisiana Street  
Houston, TX 77002

Re: Part 70 Permit No. **2016-0267-C**  
Cushing Tank Terminal  
Facility ID: 9633

Dear Ms. Grady:

Enclosed is the major source permit authorizing construction of the referenced facility. Please note that this permit is issued subject to certain standard and specific conditions that are attached.

Also note that you are required to annually submit an emission inventory for this facility. An emission inventory must be completed on approved AQD forms and submitted (hardcopy or electronically) by April 1<sup>st</sup> of every year. Any questions concerning the form or submittal process should be referred to the Emission Inventory Staff at 405-702-4100.

Thank you for your cooperation in this matter. If we may be of further service, please contact our office at (405) 702-4100.

Sincerely,

Ryan Buntyn  
Existing Source Permits Section  
**Air Quality Division**

Enclosures



# PART 70 PERMIT

AIR QUALITY DIVISION  
STATE OF OKLAHOMA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
707 N. ROBINSON, SUITE 4100  
P.O. BOX 1677  
OKLAHOMA CITY, OKLAHOMA 73101-1677

Permit No. 2016-0267-C

TransCanada Keystone Pipeline, LP,

having complied with the requirements of the law, is hereby granted permission to construct within the boundaries of the Cushing Tank Terminal located in Section 27, Township 17N, Range 5E, Lincoln County, Oklahoma, subject to standard conditions dated July 21, 2009, and specific conditions, both attached.

In the absence of commencement of construction, this permit shall expire 18 months from the issuance date, except as authorized under Section VIII of the Standard Conditions.

\_\_\_\_\_  
Division Director  
Air Quality Division

\_\_\_\_\_  
Date