TECHNICAL REVIEW DOCUMENT
for
OPERATING PERMIT 99OPOT211

to be issued to:

Phillips Pipe Line Company - La Junta Terminal
Otero County
Source ID 0890007

Michael E. Jensen
August 1, 2001

I. PURPOSE:

This document establishes the basis for decisions made regarding the Applicable Requirements, Emission Factors, Monitoring Plan and Compliance Status of Emission Units covered within the Operating Permit proposed for this site. It is designed for reference during review of the proposed permit by the EPA and during Public Comment. This narrative is intended only as an adjunct for the reviewer and has no legal standing. Conclusions in this document are based on information provided in the original application submittal of May 24, 1999, and a supplemental Title V technical information submittal of November 9, 1999, previous inspection reports, the technical documents submitted for the construction permits, as well as telephone contacts with the applicant.

On April 16, 1998, the Colorado Air Quality Control Commission directed the Division to implement new procedures regarding the use of short term emission and production/throughput limits on Construction Permits. These procedures are being directly implemented in all Operating Permits that had not started their Public Comment period as of April 16, 1998. All short term emission and production/throughput limits that appeared in the Construction Permits associated with this facility that are not required by a specific State or Federal standard or by the above referenced Division procedures have been deleted and all annual emission and production/throughput limits converted to a rolling twelve (12) month total. Note that, if applicable, appropriate modeling to demonstrate compliance with the National Ambient Air Quality Standards was conducted as part of the Construction Permit processing procedures. If required by this permit, portable monitoring results and/or EPA reference test method results will be multiplied by 8760 hours for comparison to annual emission limits unless there is a specific condition in the permit restricting the hours of operation.

This Operating Permit incorporates the following Construction Permits:

98OT0020 98OT0720 98OT0721 98OT0722

Any revisions made to the underlying construction permits associated with this facility made in conjunction with the processing of this Operating Permit application have been reviewed in accordance with the requirements of Regulation No. 3, Part B, Construction Permits, and have been found to meet all applicable substantive and procedural requirements. This Operating Permit incorporates and shall be considered to be a combined construction/operating permit for any such revision, and the permittee shall be allowed to operate under the revised conditions upon issuance of this Operating Permit without applying for a revision to this permit or for an additional or revised Construction Permit.

II. SOURCE DESCRIPTION:

This facility is a petroleum marketing and storage terminal. Gasoline products, Kerosene Turbine Fuel (KTF) and diesel fuel are delivered by pipeline, stored and distributed by tanker trucks. The significant emissions from the process are from one (1) bottom loading tank truck rack, five (5) external floating roof storage tanks, tank cleaning operations, propane loading and fugitive equipment leaks. Storage tanks producing insignificant sources of emissions include two (2) fixed roof and two (2) external floating roof tanks dedicated to the storage of KTF/Diesel, nine (9) fixed roof tanks for storage of fuel additives, one (1) fixed transmix tank, and three (3) fixed roof water/gas separator tanks. A portable flare is based at the facility. The portable flare has a Construction Permit as a portable unit and is provided for safely burning the natural gas released during pipeline repairs at off-site locations. Since the flare is used for off-site locations, it is not subject to the provisions of this Title V permit.

The facility is located near La Junta, Colorado. The area in which the terminal operates is designated as attainment for all criteria pollutants. There are no affected states within 50 miles of the terminal. There are no Federal Class I designated areas within 100 kilometers of the terminal.

Until August 31, 1994, Phillips was operating the La Junta Terminal under the provisions of Construction Permit 11OT0934. The La Junta Terminal was operated as a refined petroleum products terminal and conducted propane loading. The terminal utilized a top loading refined products loading rack. Construction Permit 11OT0934 provided no emission limits for the operation of five (5) gasoline storage tanks and one loading rack. The lack of emission limits resulted in a Potential To Emit (PTE) for volatile organic compounds and hazardous air pollutants in excess of the Title V program thresholds. The Division notified Phillips of a need for a Title V permit.

On August 31, 1994, Phillips requested the Division Ainactivate@ Construction Permit 11OT0934 and the associated APENs because Phillips ceased operations at the Terminal. Phillips continued the propane loading, but the estimated annual emissions were below APEN reporting thresholds. The Division removed the Terminal from the air emissions inventory.

In July, 1995, Phillips sent a letter to the Division indicating they were considering reopening the Terminal. They requested the Division indicate if the Terminal was still subject to 11OT934, would synthetic minor or Title V applications be needed, and did New Source Performance Standards (NSPS) Subparts K, Ka, Kb or XX apply. The Division determined that the NSPS subparts did not apply unless Phillips modified the operation. Further, a construction permit would be necessary to establish federally-enforceable limits if the Terminal was to be a synthetic minor source for the Title V provisions.

In January, 1998, Phillips submitted a construction permit application to the Division to set federally enforceable emissions limits to establish the Terminal as a synthetic minor source not subject to the Title V provisions. During the processing of the construction permit application concern regarding the applicability of the NSPS provisions reappeared, and the applicability of the Gasoline Distribution National Emission

Standards for Hazardous Air Pollutants (NESHAP) was raised. EPA was requested to render a determination on the applicability of the NSPS and the NESHAP.

EPA reasoned that since the facility shutdown lasted more than two years, and Phillips requested the source be removed from the State emission inventory, the shutdown was considered permanent. An affected facility is subject to the NSPS requirements if the facility commenced construction, reconstruction or modification after December 17, 1980 for NSPS Subpart XX and July 23, 1984 for NSPS Subpart Kb. The initial construction commenced in 1947, with additional modifications in 1973; therefore, the Terminal was considered an existing source for the NSPS requirements. Phillips provided data to establish that the reopening costs were less than the values to be considered reconstruction under 40 CFR Part 60, §60.15 of the NSPS provisions. The reopening cost information provided by Phillips also allowed EPA to make the determination that the reopening of the Terminal would not be considered a modification as defined under 40 CFR Part 60, §60.14(e)(2). In summary, the Terminal was not subject to 40 CFR Part 60, NSPS Subparts XX or Kb.

EPA noted that the four year shutdown is defined as permanent and the reopening would be classified as Anew@ for the purposes of the PSD/NSR (Prevention of Significant Deterioration/New Source Review) provisions only.

EPA noted that for the NESHAP 40 CFR Part 63, Subpart A (General Provisions), §63.2 states a source is considered Anew@ if it constructs or reconstructs after the proposal date of the requirement. The Terminal was operational on the date of the NESHAP proposal. Under the 40 CFR Part 63 provisions the Terminal did not lose its regulatory status as an existing source by shutting down and re-starting later. 40 CFR Part 63 does not incorporate the applicability for Apermanent shutdown@ as in the PSD/NSR provisions. Thus, under the 40 CFR Part 63 provisions, the Terminal was not categorized as a new source. To avoid the NESHAP provisions as a synthetic minor, the Terminal had to be subject to federally enforceable limits that would limit the hazardous air pollutant emissions by the December 15, 1997, NESHAP compliance date. Since the Terminal was shutdown at that time, and there were no limits on the HAP emissions prior to shutdown, the Terminal must be considered a major source for the NESHAP provisions, and subject to 40 CFR Part 63 Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

Construction Permit 11OT0934, issued December 26, 1986, had evaluated the truck loading rack as a top loading operation. An August, 1995, inspection report of the propane loadout operation noted that EPA had mandated the use of a transport truck bottom-loading process for the Terminal by January 1, 1996. In response to the EPA requirement, the Terminal closed the liquid petroleum products loadout operation and sold propane only starting in 1994. Subsequently, Construction Permit 98OT0020, issued April 14, 1999, evaluated the truck loading rack as a bottom-loading system.

The Division issued a Compliance On Consent Order, last signed November 24, 1998, for failure to modify the Terminal to be in compliance with 40 CFR Part 63, Subpart R. Phillips agreed to operate only the

propane loading until the Terminal had been retrofitted to be in compliance with Subpart R. In addition, Phillips agreed to submit a Title V application for the retrofitted Terminal.

Facility-wide emissions are as follows:

POTENTIAL TO EMIT, TONS PER YEAR			
	TONS PER YEAR		
	NO_X	VOC	CO
Truck Loading Rack, Bottom Loading	6.0	18.2	15.0
Tanks LP-101, LJ-102, LJ-103, LS-202, LP-203		42.7	
Plant equipment leak fugitive VOC emissions		8.1	
Tank cleaning		2.8	
Propane Loading		1.7	
Nordberg 600 HP Pump IC Engine	57.8	0.8	49.9
Oil/Water Separator		0.04	
17 tanks		4.5	
Transmix sump		0.13	
TOTALS	**63.8**	**79.0**	**64.9**
Actual Emissions for 1999 Data Year			
	51.4	**72.3**	**54.2**

III. EMISSION SOURCES

The following sources are specifically regulated under terms and conditions of the Operating Permit for this site:

Truck Loading Rack

1. Applicable Requirements - The loading rack is subject to the conditions of Construction Permit 98OT0020. As discussed earlier in this summary document, EPA issued a determination that the Terminal was not subject to any of the New Source Performance Standards (NSPS) but is subject to the 40 CFR Part 63, Subpart R, the National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations). Subpart R addresses emissions limits for the loading rack and sets requirements for the truck tanks being loaded. The Construction Permit included the salient applicable requirements Subpart R.

The vapor emissions control system for the loading rack is equipped with a flare. The definition of an incinerator in the Common Provisions of the Colorado Regulations results in a flare being considered a special class of incinerator. The Division has taken the position that an incinerator burning only gaseous wastes is not subject to the particulate grain loading standard for incinerators. The Division reasons that the grain loading standard is defined by the incinerator charging rate, and a flare lacks the charging rate necessary for defining the standard.

2. Emission Factors – The emissions estimates are based on EPA AP-42 Section 5.2, Transportation and Marketing of Petroleum Liquids. A draft revision of this section dated December 15, 1995, changes the loading capture and control efficiency from 90% to 98.7%. The emissions estimates for the Title V application were made with the 98.7% factor. The Division accepts the use of the higher factor.

3. Monitoring Plan - The throughput for all liquid petroleum products (gasoline products (all grades) and distillates (Kerosene Turbine Fuel (KTF)/Diesel)), is to be tracked on a monthly basis. Vapors displaced from tank trucks while loading are to be collected and routed to a Vapor Control Unit (VCU) for destruction to satisfy the requirements of the NESHAP. VOC emissions from gasoline product loading are to be calculated on a monthly basis using the controlled emission factor. Emissions from distillate loading are to be calculated on an uncontrolled basis using an AP-42 emission factor and the physical properties specific to the type of product being loaded. Hazardous air pollutant emissions are to be determined monthly by using vapor weight speciation data and the calculated VOC emissions. Estimated emissions of Carbon Monoxide (CO) and Oxides of Nitrogen (NOx) are to be based on the total petroleum product (gasoline and KTF/Diesel) loaded and the respective emission factors. Additional monitoring and record keeping as required by Subpart R must also be performed and maintained. A copy of Subpart R has been provided as an Appendix to the Operating Permit for any reporting details needed.

4. Compliance Status – The source is considered to be in compliance based on the information available to the Division at the time this permit was prepared.

Gasoline/KTF/Diesel Storage Tanks

The storage tanks identified in the following table are addressed by this section. Other storage tanks at the site have estimated emissions below the APEN reporting threshold and are considered insignificant activities.

Emission Unit	Tank ID	Description	Material Stored	Size, Gallons*	Installation Date
011	LP-101	External Floating Roof	gasoline, KTF/diesel	380,310 (381,000)	1947
	LJ-102			380,982 (381,000)	
	LJ-103			379,470 (381,000)	
	LS-202			793,506 (794,000)	
	LP-203			791,742 (794,000)	

*Nominal rating shown in parenthesis

1. Applicable Requirements - Construction Permit 98OT0720 defined the applicable requirements for the tanks storing gasoline / Kerosene Turbine Fuel / Diesel. Limits on product throughput and volatile organic compounds (VOC) were established in the Construction Permit. These tanks are subject to the odor requirement of Colorado Regulation No. 2.

2. Emission Factors - Emissions from gasoline terminals are produced during filling and withdrawal of product from storage tanks, standing losses from storage tanks, loading of tank trucks (primarily from displacement of the saturated vapors in the truck collected during vapor balance unloading at the delivery point), and from fugitive losses from the various flanges, pumps, fittings, etc associated with the process piping. The major pollutants of concern are VOCs and Hazardous Air Pollutants (HAPs). NOx, CO and Particulate Matter (TSP and PM10) are also emitted as by-products of the vapor combustor unit (flare) utilized to control the VOC emissions.

In general, emission factors from the EPA publication ACompilation of Air Pollutant Emission Factors@, also known as AP-42, are generally accepted as representative of the sources at these facilities. The EPA emissions estimate computer program Tanks 4.08, or newer version, is also accepted for estimating emissions from storage tanks containing volatile organic compounds. Phillips has chosen to use the emission factors as given in AP-42 and the results calculated by Tanks 4.08 to estimate emissions from the facility. Emission factors are listed in the permit as the source's monitoring plan relies upon them, however, individual emissions factors are not practical for storage tanks. Emissions factors for the other sources are given where practical, i.e., loading rack, boiler, flare, fugitives.

3. Monitoring Plan - Monthly records of petroleum product type, gasoline, KTF, or diesel, and the throughputs for each tank are to be maintained. Monthly VOC emissions will be calculated for each individual tank using the EPA computer program TANKS 4.08 or higher or other equivalent EPA approved

tank emission calculating methods. HAP emissions will be calculated from the vapor weight speciation and the calculated VOC emissions. The emissions from these storage tanks are vented directly to the atmosphere without any reductions.

4. Compliance Status - The source is considered to be in compliance based on the information available to the Division at the time this permit was prepared

Fugitive Equipment Leaks

1. Applicable Requirements - Construction Permit 98OT0721 defined the applicable requirements for the fugitive emissions. A VOC emission limit was established in the Construction Permit. The Construction Permit set a limit on the number of each of the various components included in the estimation of the VOC limits. The numbers for each of the various components being used may change significantly without exceeding the VOC limit; thus sources do not like to have limits placed on the numbers of components being used. Sources are required to maintain records of the number of components in use and apply the emission factors listed in the permit. The Division takes the position that the combination of the record keeping, fixed emission factors and the VOC limit provides an adequate mechanism for an inspector to perform a compliance determination. On that basis, the Construction Permit limits for the numbers of each component was not carried forward into the Title V permit.

2. Emission Factors - Fugitive VOC emissions associated with leaks from process equipment components (flanges, valves, fittings, etc.) are estimated from published emission factors and 8760 hours per year. HAP emissions are to be calculated from the liquid or vapor weight speciation and the calculated VOC emissions.

3. Monitoring Plan - An initial count of the various equipment components must be made within 90 days of the issuance of the Operating Permit if not recently conducted. Records are to be kept of all additions or deletions of components and a running tally maintained. The running tally will be verified by a physical count conducted every five (5) years.

4. Compliance Status - The source is considered to be in compliance based on the information available to the Division at the time this permit was prepared

Tank Cleaning Emissions

1. Applicable Requirements - Construction Permit 98OT0722 defined the applicable requirements for the tank cleaning emissions. Only three tanks may be cleaned each calendar year.

2. Emission Factors - Emissions are estimated from the EPA AP-42 Section 7.1 Organic Liquid Storage Tanks and the EPA Gasoline Distribution Industry (Stage 1) Background Information for Promulgated Standards, EPA-453/R-94-002b Appendix B.

3. Monitoring Plan - Records are to be maintained to identify which tank is cleaned and the number of tanks cleaned each month.

4. Compliance Status - The source is considered to be in compliance based on the information available to the Division at the time this permit was prepared

Nordberg 600 HP Internal Combustion Engine

This engine/pumping unit is operated to boost the pressure in the main pipeline that flows north from the terminal. This main pipeline carries the product (gasoline and distillates) to Denver.

1. Applicable Requirements - This engine has grandfather status from the regulatory requirement for a Construction Permit. The emissions are to be determined annually for the emission fee assessment. Changes in the amount of emissions are to be addressed in accordance with APEN reporting procedures. The engine is included in the Operating Permit under the section for APEN Required/Permit Exempt.

2. Emission Factors - The emission factors for estimating the emissions are from the EPA AP-42 document, Table 3.2-1 (ver 7/00) for a 4-cycle rich burn engine. The emission factors in the AP-42 table are presented in terms of pounds per million Btu of heat input. The factors have been converted into a pounds per horsepower-hour representation that is more usable during inspections. The converted values are: $NO_X = 0.017$, CO = 0.029 and VOC = $2.32 \times 10^{-4.}$ The converted factors allow the emissions to be estimated from the number of operating hours and the horsepower of the engine.

3. Monitoring Plan - The number of annual operating hours is to be monitored and the emissions estimated.

4. Compliance Status - The source is considered to be in compliance based on the information available to the Division at the time this permit was prepared

MACT Provisions

As noted previously several places in this document, the terminal is subject to the National Emission Standards for Hazardous Air Pollutant provisions of 40 CFR Part 63 Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

These provisions require a number of submittals, notifications, record keeping development and operation plans to be accomplished. Some of the documents are to be submitted for approval to EPA or the Title V permitting authority, other documents are to be prepared and kept on-site. Some of the activities required by the Compliance Order on Consent are considered to have satisfied some of the notification requirements of Subpart R. Phillips was requested to identify and summarize information regarding the various documents required. The following presents the information provided.

MACT Provision	Activity To Be Performed	Status	Comments
63.6(e)(3)(iii) 63.10(b)(2)(i,ii,iii,v)	Following of startup, shutdown and malfunction plan	Record keeping on-going	Maintained at La Junta Terminal
63.6(e)(3)(iv) 63.10(b)(2)(iv) 63.10(d)(5)(ii)	Reporting of instances in which the startup, shutdown and malfunction plan was not followed	Plan in place	No instances
63.6(e)(3)(v)	Maintain copies of startup, shutdown and malfunction plans	Record keeping on-going	Maintained at La Junta Terminal
63.7(b)(1) 63.9(e)	Notification of performance test for vapor combustion unit	Completed	Manisha Blair –APCD Tammy Thomas-Burton-EPA
63.7(c)(2)(iv) 63.9(e)	Submit test plan for vapor combustion unit	Completed	Tom Lovell – APCD Art Palomares - EPA
63.7(g)(1)	Submit the results of the vapor combustion unit performance test	Pending the completion of additional testing directed by EPA	First test completed. EPA directed test be done again. Tom will check on status
63.7(g)(3) 63.10(b)(2)(viii)	Maintain the results of the performance test for the vapor combustion unit	Record keeping on-going	La Junta Terminal
63.9(h)(2) –EPA notification 63.10(b)(2)(xiv) – General record keeping requirements	(h)(2) - Prior to the issuance of Title V permit, submit to EPA a notification of the compliance status after an event triggering a notification (2)(xiv) – maintain all documentation supporting initial notifications and notifications of compliance status	On-going activity	Notifications are to be sent to EPA until Title V Operating Permit has been issued. After Title V permit issued, notification will be sent to Divison.
63.9(h)(3) – Permit authority	(h)(3) - After the issuance of	Pending issuance of Title V	Title V permit under

MACT Provision	Activity To Be Performed	Status	Comments
notification 63.10(b)(2)(xiv) - General record keeping requirements	a Title V permit, submit a notification of compliance status for compliance reports required by the Title V permit to permit authority (2)(xiv) – maintain all documentation supporting initial notifications and notifications of compliance status	Operating Permit	preparation (12/15/00)
63.10(d)(5)(i) – Periodic startup, shutdown, malfunction reports	Submit a periodic startup, shutdown and malfunction report within 30 days after the end of the calendar half IF a startup, shutdown or malfunction was performed.	Submit report to EPA until Title V Operating Permit issued. After Title V Permit issued, submit to Division.	Summary report of startup, shutdown and malfunctions may be submitted with excess emission reports if excess emissions being reported.
63.10(e)(3) – Additional reporting requirements when Continuous Monitoring Systems (CMS) required – Excess emissions and CMS performance report and summary report 63.428(h) – excess emission reporting and record keeping	(e)(3) - Submit at least semi-annual emissions report to EPA. Excess emissions reporting from CMS require quarterly reporting frequency. (h) – Excess emissions must be reported to EPA including failure to comply with limit, loading of improper truck, reloading of same truck, and leaks	Submit semi-annual MACT reports as required.	CMS is thermocouple for flare on VCU
63.428(g) – submit to EPA loading of unapproved tankers, number of leaks not repaired and other reports as required	Submit semi-annual report	Submit semi-annual MACT reports as required.	CMS for loading rack is monitoring of trucks loaded
63.422(c) – loading rack standards – gasoline trucks loaded must comply with §60.502(e)	Maintain vapor tightness documentation for all trucks loaded at the Terminal	Record keeping on-going	
63.428(a) – Requires EPA notification that source subject to requirements.	Submit initial notification required by 63.9(b)(2)	Completed	Jill Cooper-APCD Tammy Thomas-Burton-EPA

MACT Provision	Activity To Be Performed	Status	Comments
63.428(c)(2) – engineering assessment needed for compliance determination	Submit notification of seal gap inspection	Completed	Manisha Blair –APCD Tammy Thomas-Burton-EPA
63.428(c)(2) – engineering assessment needed for compliance determination	Submit results of seal gap inspections	Completed	Manisha Blair –APCD Tammy Thomas-Burton-EPA
63.428(f) – identify to EPA all equipment in gasoline service subject to leak detection requirements	Submit equipment leak inspection plan with the notification of compliance status	Submit semi-annual MACT reports as required.	
63.428(e) – log information required for results of monthly leak inspections	Record results of equipment leak inspections	Record keeping on-going	

Permit Shield

The intent of the permit shield is to provide limited protection in the event of an error in the evaluation of whether a regulation, or portion of a regulation applies. The permittee identifies the issue and presents its position. The Division reviews the position. If the Division and the permittee mutually agree on the position, the issue is recorded in the operating permit. If there is a disagreement on the position, the Division has reserved the right to make the final decision. If, at a later date, it is discovered that an error was made in the mutual decision, the source is protected from the non-compliance due to the error. However, the permittee must move rapidly to obtain compliance.

In the Title V application the applicable sections of the Federal and State regulations are identified for the sources. The shield request was granted and noted in the Operating Permit where a specific request for the shield was identified, justified and accepted by the Division. The shield was not granted where a blanket request lacked specific detail, the request was not justified, or the Division did not agree that shield protection could be applied.

Hazardous Air Pollutants

The hazardous air pollutants originate as a component of the liquid petroleum products stored and loaded for shipment. The types of hazardous emissions and the related emission factors were obtained from information provided by the California Air Resources Board and other references.

Miscellaneous

From time to time published emission factors are changed based on new or improved data. A logical concern is what happens if the use of the new emission factor in a calculation results in a source being out of compliance with a permit limit. For this operating permit, the emission factors or emission factor equations included in the permit are considered to be fixed until changed by the permit. Obviously, factors dependent on the fuel sulfur content or heat content can not be fixed and will vary with the test results. The formula for determining the emission factors is, however, fixed. It is the responsibility of the permittee to be aware of changes in the factors which may affect the compliance status. Upon notification, the Division will work with the permittee to address the situation.

Risk Management Plan - Accidental Release - 112(r)

Section 112(r) of the Clean Air Act mandates a new federal focus on the prevention of chemical accidents. Sources subject to these provisions must develop and implement risk management programs that include hazard assessment, a prevention program, and an emergency response program. They must prepare and implement a Risk Management Plan (RMP) as specified in the Rule. This facility has indicated in the application that they are subject to the provisions of section 112(r) and that a plan had been prepared but not submitted to the responsible agency at that time.

Section 68.215(e) of the Federal Clean Air Act requires the Division to address four issues in regards to Operating Permit sources subject to 112(r):

1. Verify source submitted and register an RMP by deadline
EPA has established a Website specifically for the submittal of 112(r) plans. All 112(r) sources must electronically submit their plans to this Adesignated central location@. The Division will require sources to certify in their annual compliance certification that they are/are not subject to 112(r) and they have/have not submitted a Risk Management Plan (RMP) to the designated central location. In addition, the Division will check the 112(r) website to verify that a RMP was actually submitted to the website. Failure to submit a RMP by the deadline by sources subject to 112(r) will be considered a permit deviation for reporting purposes under Title V.

2. Verify that source owner/operator has submitted a source certification or in its absence has submitted a compliance schedule.

As mentioned above, the Division will require that sources certify in their annual compliance certification that they are/are not subject to 112(r) and they have/have not submitted a Risk Management Plan (RMP) to the designated central location. If they are subject to 112(r) but did not submit an RMP on time, a compliance schedule under the provisions of Title V must be submitted to the Division by the source. Failure to submit a RMP or a compliance schedule will be considered a permit deviation for reporting purposes under Title V.

3. For some or all sources one or more mechanisms such as completeness check, source audits, record review, or facility inspections are to be used ensure permitted sources are in compliance with the requirements of this part

The Division may choose to perform any or all of the activities listed under this subsection. Although there is no specific number of such actions required in the 112(r) rule, a June 3, 1997 draft 112(r) implementation guidance from EPA states that ACongress considered a requirement that 1.4 percent of the RMPs be audited annually, but dropped that provision.@
The Division will, at a minimum, perform a Acompleteness check@ on an unspecified number of Title V 112(r) sources. The website that EPA developed will include software that will electronically conduct a completeness check on the RMP=s. For the purposes of this Operating Permit, such check shall serve as the completeness check required under 68.215(e)(3). As noted in the Preamble to the final 112(r) rule (June 20, 1996 Federal Register, page 31691), AEPA agrees that the review for quality or adequacy of the RMP is best accomplished by the implementing agency...@ In Colorado, the implementing agency is the U.S. EPA. If the EPA website software indicates that a source did not submit a complete plan, it will be considered a permit deviation for reporting purposes under Title V and the Division may initiate an enforcement action for failure to meet the Title V permit condition (see below). Per the Preamble (page 31691), the Division may perform the completeness checks in a timeframe consistent with the source=s Title V certifications.

4. Initiate enforcement action as necessary

This refers to enforcement under Title V, not under Part 68 (112(r)). If a source fails to file a RMP or a compliance schedule by the June deadline or the EPA software indicates that the RMP is not complete, it will be considered a permit deviation for reporting purposes under Title V and the Division may initiate an enforcement action.

Alternative Operating Scenarios

Construction Permit 98OT0720 included the provision for the use of an alternative operating scenario for placing storage vessels into gasoline service. Prior to activation and use of any storage

vessel for gasoline service, the vessel would be equipped in accordance with the requirements of 40 CFR Part 63 Subpart R. At least thirty (30) days prior to the storage vessel being placed in service the responsible official would certify to the Division that the tank was equipped, had been tested and would be operated in accordance with the Subpart R provisions. The storage vessel would be operated and maintained in compliance with the Subpart R requirements upon activation for gasoline service.