



Providing citizens a means to protect the beauty, health and heritage of the Mobile Bay Area

November 10, 2000

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Mr. Winston Smith, Director
Air Division
U.S. Environmental Protection Agency
Region IV
61 Forsyth Street
Atlanta, Georgia 30303

**RE: Public Petition pursuant to 40 CFR 70.8(d)
Title V Permit to Alabama Bulk Terminal Company**

Dear Mr. Smith:

Please accept this Public Petition issued pursuant to § 505(b) of the Federal Clean Air Act and promulgated in EPA regulations found at 40 CFR 70.8(d) on behalf of the officers, board and members of Mobile Bay Watch, Inc. Enclosed herein are copies of comments submitted by Mobile Bay Watch, Inc. relating to the issuance of the Clean Air Act Title V permit to Alabama Bulk Terminal Company located in Mobile, Alabama, and the response of the Alabama Department of Environmental Management summarily dismissing all comments of Mobile Bay Watch, Inc. without taking any action to modify the permit. The comments of Mobile Bay Watch, Inc. and ADEM responses thereto are incorporated herein by reference to be the specific objections which Mobile Bay Watch, Inc. is raising in this petition.

Mobile Bay Watch further petitions for a full actual EPA review of the Alabama Bulk Terminal Company Title V permit as is required by the Clean Air Act. §505(a)(1)(A) of the Act requires the transmission of the

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application and supporting documentation to EPA in order *“to effectively review the application”* and §505((b)(1) of the Act requires that *“[i]f any permit contains provisions that are determined by the Administrator as not in compliance with the applicable requirements of this chapter, including the requirements of an applicable implementation plan, the Administrator shall, in accordance with this subsection, object to its issuance.”* 42 U.S.C. 7661d emphasis added. These provisions clearly require for an actual review by EPA of Alabama Bulk Terminal Company’s Title V permit for full compliance with the Clean Air Act.

We look forward to EPA’s review of Alabama Bulk Terminal Company’s Title V permit both in regard to the specific issues raised in Mobile Bay Watch’s comments to ADEM as well as an actual review of the permit application by EPA for full compliance with the Clean Air Act.

Very Truly Yours,



Harwell “Trey” Coale
General Counsel

cc: ~~Don Gore, ADEM~~
Alabama Bulk Terminal Company

enclosure



Providing citizens a means to protect the beauty, health and heritage of the Mobile Bay Area.

August 25, 2000

Permit Coordinator
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, AL 36130-1463

**RE: Alabama Bulk Terminal Company
Title V Major Source Operating Permit
Comments of Mobile Bay Watch, Inc.**

Dear Permit Coordinator:

Please find enclosed the Comments of Mobile Bay Watch, Inc. on the Title V Major Source Operating Permit for Alabama Bulk Terminal Company. Public Notice of this permit was published on July 28, 2000. These Comments are hereby served within the 30 day comment period in accordance with *ADEM Admin. Code R. 335-2-1-.25* regarding computation of time.

Very Truly Yours,

Harwell "Trey" Coale
General Counsel
Mobile Bay Watch, Inc.

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Lack of Emission Standards, Compliance and Performance Testing and Emission Monitoring

According to the draft permit, Tanks 1, 2, 3, 4, 5, 6 and 7, the truck loading rack, marine loading dock and three boilers are only subject to state regulations not to federal regulations. Tanks 1 through 7 do not have emission limits, do not have applicable compliance and performance test method requirements, and do not have applicable emissions monitoring requirements. These tanks range in size from 8,820 gallons (Tank 7) up to 9.9 million gallons (Tank 6). ADEM must require in the Title V permit that tanks 1 through 7 comply with the same NSPS, Subpart Ka requirements as tanks 8, 9 and 10 for compliance and performance test methods and procedures, emission monitoring and record keeping and reporting. Mobile Bay Watch/Bay Keeper is requesting that these more stringent regulations be applied to tanks 1 through 7 in order to establish adequate and consistent emissions monitoring of all tanks on the Alabama Bulk Terminal site.

Marine MACT

The applicant indicates that the Marine MACT is not triggered by the Alabama Bulk Terminal facility. The draft permit indicates that the marine loading facility has no applicable compliance and performance test, no applicable emissions monitoring requirements and no applicable record keeping and reporting requirements. The truck loading facility also has no applicable compliance and performance test method requirements, no applicable emissions monitoring requirements and no applicable record keeping and reporting requirements.

Mobile Bay Watch/Bay Keeper is requesting that the most stringent requirements be applied to the marine loading and truck loading and unloading facilities in order to reduce emissions from these sources, and provide the best available monitoring, record keeping and reporting requirements.

Application

Alabama Bulk Terminal Company submitted a permit application for loading and storage of organic compounds. Michael E. Buckley Vice-President of Operations prepared the application. However, the application was not signed by Mr. Buckley.

The application failed to include tank 7 in the application. No forms with detailed information was provided for tank 7.

The shells of tanks 1, 6, 8, 9, and 10 were reported as light rust. The condition of each tank shell must be improved.

The truck loading and load out system and marine loading system were not equipped with vapor recovery systems. These loading and unloading units must be required to have vapor recovery systems.

Sellers, Andrea L

From: Sullivan, George
Sent: Thursday, October 26, 2000 2:39 PM
To: Joel Huey (E-mail)
Cc: Davis, Phil; Sellers, Andrea L
Subject: Final permit for Alabama Bulk Terminal Company (503-3035)

Attached is the Final permit for Alabama Bulk Terminal Company (503-3035). We have replied to the comments from Mobile Bay Watch (and have sent you a copy of our response). These comments did not result in significant changes to the draft permit.

Please contact me if you have any questions.



A973035F.doc

George Sullivan
gos@adem.state.al.us
334-271-7889

Alabama Bulk Term.
503-3035

30-day PCP
July 28 - August 28

45-day EPA PCP
July 28 - Sept. 12

5-25-00 - 1st draft to MHS
5-26-00 - Draft to GOS
5-31-00 - OK from GOS
6-1-00 - mailed draft copy to facility
6-19-00 - received comments to draft
- sent response to draft comments
7-24-00 - OK from facility
7-24-00 - e-mailed public notice to EPA
Starts July 28, 2000 ends August 28th
7-24-00 - e-mailed GOS SOB, SUMM, MSOP, & PCP
to forward to EPA
7-24-00 Updated AIRS Database
EPA PCP starts July 28, 2000
ends Sept. 12, 2000
8-28-00 - NO comments for 30 day PCP per EPA
9-1-00 - comments received from Mobile
Bay Watch
9-11-00 - NO comments from EPA 45 day
review per GOS
10-12-00 - sent response to MBW
10-18-00 - Issued TITLE V
10-18-00 - e-mailed GOS - MSOP final
Updated AIRS

ADEM



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

POST OFFICE BOX 301463 ♦ 1400 COLISEUM BLVD. 36110-2059

MONTGOMERY, ALABAMA 36130-1463

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JAMES W. WARR

DIRECTOR

DON SIEGELMAN

GOVERNOR

October 12, 2000

MR HARWELL "TREY" COALE
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Water: 279-3051
Groundwater: 270-5631
Field Operations: 272-8131
Laboratory: 277-6718
Mining: 394-4326
Education/Outreach: 394-4383

RE: Comments on Draft Title V Permit for Alabama Bulk Terminal Company

Dear Mr. Coale:

The Air Division of the Alabama Department of Environmental Management has received your comments concerning the above-referenced draft permit. This letter was written to provide responses to those comments.

Mobile Bay Watch appears to misunderstand the purpose of the Major Source Operating Permit (Title V) program. The requirement that major sources of air pollutants obtain a Title V permit was imposed by Congress in 1990. It is very clear from Congressional language and from EPA's regulations that the primary reason for Title V permits is to clearly codify the complex rules and permit conditions which apply to such sources. A Title V permit is not a vehicle for imposing new standards on emission sources which may be exempt from having to install up-to-date control technology. Other regulatory mechanisms, such as plans for non-attainment areas, rules requiring MACT, and acid rain requirements, are the appropriate mechanisms for updating emission limits. For this reason, many of Mobile Bay Watch's comments regarding subjecting emission units to more stringent emission standards must be rejected.

Comment 1. Mobile Bay Watch (MBW) commented that there was a lack of emission standards, compliance and performance testing, and emission monitoring for several emission points, including Tanks 1 through 7, and that these tanks, which are subject to state regulations only, "must" be subject to the more stringent regulations as other tanks at the facility that are subject to NSPS, Subpart Ka.

Response 1. MBW stated that Tanks 1 through 7 do not have emission limits, applicable compliance and performance requirements, test method requirements, and applicable emission monitoring requirements. Tanks 1 through 6 do have applicable emission limits in the form of vapor pressure limits on the products that are stored in each vessel. These vapor pressure limits are clearly stated in each tank's specific permit provisos. Tank 7 has no limits because of its size and because it was installed prior to



the PSD applicability date of January 1977. These tanks also have emission monitoring requirements in the form of an annual emission statement which must be submitted to the Department. This is a requirement of all Title V Major Sources. Tanks 1 through 7 do not have applicable compliance and performance test method requirements either because they were installed prior to the applicability date that would make them subject to the federal regulations for tanks and/or because of their capacity. They are in compliance with all of the applicable state regulations. MBW request stated that Tanks 1 through 7 “must” comply with the same NSPS, Subpart Ka requirements as Tanks 8 through 10. The Department cannot impose a regulation and all of its applicable requirements on a source when it is not subject to that regulation. Again, these tanks are meeting the requirements of the regulations to which they are subject.

Comment 2. MBW commented that the marine and truck loading racks are not subject to the Marine MACT and that the most stringent requirements should be applied to these sources.

Response 2. The truck loading facility is subject to the applicable requirements of ADEM Admin. Code R. 335-3-6-.03, “Loading and Storage of VOC”, as stated in the permit provisos. The Department cannot impose a new regulation and its requirements on a source when it is not subject to that regulation. Again, these loading racks are meeting the requirements of the regulations to which they are subject.

Comment 3. MBW commented that Michael E. Buckley of Alabama Bulk Terminal failed to sign the permit application for loading and storage of organic compounds.

Response 3. Michael E. Buckley, who prepared the application, has submitted that signature page to the Department with his signature on the line.

Comment 4. MBW commented that information for Tank 7 was not included in the permit application.

Response 4. After review of the permit application, it was determined that this tank should be listed on the trivial and insignificant activity list. The Department has decided to remove Tank 7 from the draft Title V permit. By definition, Tank 7 is an insignificant source since it has the potential to emit less than 1 TPY of VOCs. It is also a trivial source that is not required to be listed in the application since it is a petroleum storage tank that is less than 250 barrels (10,500 gallons) and not subject to an NSPS. Mr. Buckley submitted a new trivial and insignificant activity list to the Department listing Tank 7 as one of its sources.

Comment 5. *MBW commented that the condition of each tank shell "must" be improved.*

Response 5. The shell conditions of Tanks 1, 6, 8, 9, and 10 are reported as light rust. This is a category that was used in a previous version of AP-42 emission factors that is no longer used in today's version of calculating emissions. This shell condition concerns the interior of the tank. According to the previous AP-42 category, a condition of light rust is the most efficient variable. However, the exteriors of these tanks are painted with white paint that is in good condition.

Comment 6. *MBW commented that the truck and marine loading processes "must" be equipped with vapor recovery systems.*

Response 6. The truck loading and marine loading systems were not equipped with vapor recovery systems because they are not required by any regulation to have these systems. They do not exceed any thresholds that would require them to install vapor recovery systems. The Department cannot impose a regulation and all of its applicable requirements on a source when it is not subject to that regulation. Again, these loading racks are meeting the requirements of the regulations to which they are subject.

After evaluation of the comments and the applicable regulations and statutes, the Department has concluded that the proposed permit, as drafted, would comply with ADEM regulations. ADEM plans to issue the Title V Major Source Operating Permit for the facility in the near future.

If you have any questions or require further information, please contact either Mr. Michael H. Sherman at (334) 271-7873 or Ms. Andrea Sellers at (334) 270-5648 in Montgomery.

Sincerely,



Ronald W. Gore, Chief
Air Division

RWG/ALS