

TOWN OF KEARNY

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1. Introduction

This permit pertains to a facility ~~gasoline tanks~~, operated by the Town of Kearny, an Arizona Municipal Corporation. The facility is located at 1201 Emory Road, Kearny, Arizona upon a parcel also identified by Pinal County Assessor's Parcel # 301-15-006A. The facility's SIC code is 9199 and the NAICS code is 921190. The source is situated in an area classified as attainment for volatile organic compounds.

The source includes gasoline and diesel storage tanks. A complete list of equipment from which emissions are allowed by this permit is given in Section 8 of this permit. As an informational disclosure, emissions listed in the last section of this permit entitled "Emission Inventory Table" constitute good-faith estimates of emissions subject to regulation, as set forth in the application for permit.

Even based upon continuous operation at full capacity, the cumulative potential to emit any single pollutant or combination of pollutants does not exceed any of the applicable major source thresholds under the Clean Air Act (1990) ("CAA") or local rules. The source does not fall subject to any applicable requirements under CAA §111 or §112. Therefore, this source does not require an operating permit under Title V of the CAA.

2. Authority to Construct [*Federally enforceable pursuant to PCAQCD Code §§3-1-010, 3-1-040 (10/12/95) approved as a SIP element at 65 FR 79742 (12/20/00)*]

As an exercise of authority under PCAQCD's SIP-approved minor new source review program, this permit revision additionally authorizes the construction of the equipment enumerated in the Subsection B of this section. That authorization rests on a findings regarding the limited emission potential of the affected equipment, coupled with the enforceable control requirements under this permit. Therefore, based on the regulations in effect upon the date of issuance of this permit and a finding that allowable emissions from the equipment described in Subsection B will neither cause nor contribute to a violation of any ambient air quality standard even without additional limitations, and a further finding that in view of this permit this does not constitute a "major emitting source" within the meaning of Code §3-3-203, this permit constitutes authority to construct such equipment.

3. Emission Limitations and Controls

A. Applicable Limitations [*Federally enforceable pursuant to PCAQCD Code § 3-1-082 (11/3/93) approved as SIP Elements at 65 FR 79742 (12/20/00)*]

Where different standards or limitations apply under this permit, the most stringent combination shall prevail and be enforceable.

B. Allowable Emissions [*Federally enforceable pursuant to PCAQCD Code § 3-1-040 (10/12/95) approved as SIP Elements at 65 FR 79742 (12/20/00)*]

The owner/operator ("Permittee") is authorized to discharge or cause to discharge into the atmosphere those emissions of air contaminants as set forth in this permit. Unless exempted under Code §3-2-180, Permittee shall not use any material, process, or equipment not identified in this permit which will cause emissions of any regulated air pollutant in excess of the 5.5 pound-per-day de minimis amount, unless authorized by a permit revision under as allowed under this permit, or by a separate permit issued by the District or other competent authority.

C. Control Equipment and Procedures (Code § 3-1-081.)

1. Submerged Fill Tubes Required [*Federally enforceable provision, pursuant to Code §5-19-800 (2/22/95)*]

Submerged fill tubes shall be used on liquid fuel storage vessels and the liquid level of the storage vessel shall not be allowed to drop below the bottom of the fill tube. No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more unless such tank is equipped with either submerged filling inlets or with vapor recovery or emission control systems such that loss of vapor to the atmosphere during filling operations shall be minimized.

~~1. Submerged fill tubes shall be used on liquid fuel storage vessels and the liquid level of the storage vessel shall not be allowed to drop below the bottom of the fill tube.~~

2. Permittee shall install permanent submerged fill pipes on all gasoline tanks not so equipped to control fuel vapors when fuel is loaded into gasoline storage vessels at the site.

3. Reasonable precautions shall be used to prevent spillage of fuel.

D. Combined Volatile Organic Compound/Hazardous Air Pollutant [Code §§3-1-081 (*Nov. '93*)]

1. Emission Cap [*Federally enforceable provision, pursuant to Code §3-1-084 (8/11/94)*]

Permittee shall limit emissions of VOCs to less than 100 TPY, emissions of any single HAP to less than 10 TPY, and emissions of any combination of HAPs to less than 25 TPY.

2. Process Use Limitation [*Federally enforceable provision, pursuant to Code §3-1-084 (8/11/94)*]

To assure compliance with the relevant emission caps, Permittee shall:

a. Limit the combined total annual throughput of gasoline to 7,200,000 gallons, which will limit emissions of:

1. VOCs to approximately 50% of the applicable cap;
2. Any single HAP to less than 50% of the applicable cap;
3. Any combination of HAPs to less than approximately 40% of the applicable cap.

b. Conduct an annual inventory of gasoline purchases and distribution.

E. General Maintenance Obligation [*Federally Enforceable Provision pursuant to code §3-1-081.E (9/5/01) approved as a SIP element at 66 FR 63166 (12/5/01)*]

At all times, including periods of start-up, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate the permitted facility including associated air

pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

4. Compliance Demonstration

- A. Regular Emissions Monitoring/Recordkeeping [*Federally enforceable provision, pursuant to Code §3-1-084 (8/11/94)*]{Code §3-1-083.A. (11/3/94)}

As a surrogate means of monitoring emissions of volatile organic compounds, Permittee shall maintain monthly records of gasoline delivered to the tanks.

- B. Annual Compliance Reporting [*Federally enforceable provision, pursuant to Code §3-1-084 (8/11/94)*] (Code §3-1-083.A)

In order to demonstrate compliance with the provisions of this permit, the Permittee shall submit an annual report of emissions containing a report of the total amount of gasoline purchased and delivered in the preceding twelve (12) month period. The report shall be submitted to the District within 30 days after the end of each calendar year. Appendix A of this permit is a form which may be used for the report.

- C. Annual Regular Compliance/Compliance Progress Certification (Code §3-1-083.A., 11/3/93)

Permittee shall annually submit a certification of compliance with the provisions of this permit. The certification shall:

1. Be signed by a responsible official, namely the school principal, administrative assistant, a school board member, or such other person as may be approved by the Control Officer as an administrative amendment to this permit;
2. Clearly tabulate by month the gasoline deliveries required to be monitored under this permit; and
3. Be postmarked within thirty (30) days of the start of each calendar year.
4. ~~Appendix A of this permit is a form which may be used for the report and compliance certification.~~

5. Other Reporting Obligations

- A. Deviations from Permit Requirements [*Federally Enforceable Provision pursuant to code §3-1-081.A.5.b (9/5/01) approved as a SIP element at 66 FR 63166 (12/5/01)*] (Code §3-1-81.A.5.b.)

Permittee shall report any deviation from the requirements of this permit along with the probable cause for such deviation, and any corrective actions or preventative measures taken to the District within ten days of the deviation unless earlier notification is required by the provisions of this permit.

6. Fee Payment

As an essential obligation under this permit, permit fee shall be assessed by the District and paid by Permittee in accord with the provisions of Code Chapter 3, Article 7, as they may exist at the time the fee is due. The permit fee shall be due annually on or before the anniversary date of the issuance of an individual

permit, or formal grant of approval to operate under a general permit, or at such other time as may be designated now or hereafter by rule. The District will notify the Permittee of the amount to be due, as well as the specific date on which the fee is due.

7. General Conditions

A. Term (Code §3-1-089)

This permit shall have a term of five (5) years, measured from the date of issuance.

B. Basic Obligation (Code §3-1-081.)

Permittee shall operate in compliance with all conditions of this permit, the Pinal County Air Quality Control District ("the District") Code of Regulations ("Code"), and all State and Federal laws, statutes, and codes relating to air quality that apply to these facilities. Any permit noncompliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application and may additionally constitute a violation of the CAA.

C. Duty to Supplement Application (Code §§3-1-050.H, 3-1-081.A.8.e, 3-1-110)

Even after the issuance of this permit, a Permittee, who as an applicant who failed to include all relevant facts, or who submitted incorrect information in an application, shall, upon becoming aware of such failure or incorrect submittal, promptly submit a supplement to the application, correcting such failure or incorrect submittal. In addition, Permittee shall furnish to the District within thirty days any information that the Control Officer may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit and/or the Code.

D. Right to Enter (Code §§ 3-1-132, 8-1-050)

Authorized representatives of the District shall, upon presentation of proper credentials, be allowed:

1. To enter upon the premises where the source is located or in which any records are required to be kept under the terms and conditions of this permit;
2. To inspect any equipment, operation, or method required in this permit; and
3. To sample emissions from the source.

E. Transfer of Ownership (Code §3-1-090)

This permit may be transferred from one person to another by notifying the District at least 30 days in advance of the transfer. The notice shall contain all the information and items required by Code § 3-1-090. The transfer may take place if not denied by the District within 10 days of the receipt of the transfer notification.

F. Posting of Permit (Code §3-1-100)

Permittee shall firmly affix the permit, an approved facsimile of the permit, or other approved identification bearing the permit number, upon such building, structure, facility or installation for

which the permit was issued. In the event that such building, structure, facility or installation is so constructed or operated that the permit cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within a reasonable distance of the equipment or maintained readily available at all times on the operating premises.

G. Permit Revocation for Cause (Code §3-1-140)

The Director of the District ("Director") may revoke this permit for cause, which cause shall include occurrence of any of the following:

1. The Director has reasonable cause to believe that the permit was obtained by fraud or material misrepresentation;
2. Permittee failed to disclose a material fact required by the permit application form or a regulation applicable to the permit;
3. The terms and conditions of the permit have been or are being violated.

H. Certification of Truth, Accuracy, and Completeness (Code § 3-1-175.)

Any application form, report, or compliance certification submitted pursuant to the Code shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under Chapter 3 of the Code shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

I. Permit Expiration and Renewal (Code §3-1-089)

Expiration of this permit will terminate the facility's right to operate unless a timely application for renewal has been submitted in accordance with §§3-1-050, 3-1-055 and 3-1-060, or a substitute application for a general permit under §3-5-490. For Class I permit renewals, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration. For Class II or Class III permit renewals, a timely application is one that is submitted at least 3 months, but not greater than 12 months prior to the date of permit expiration.

J. Severability (Code §3-1-081.A.7)

The provisions of this permit are severable, and if any provision of this permit is held invalid the remainder of this permit shall not be affected thereby.

K. Permit Shield (Code § 3-1-102.)

1. Compliance with the terms of this permit shall be deemed compliance with any applicable requirement identified in this permit.
2. 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 this permit.

L. Permit Revisions (Code Chapter 3, Article 2)

1. This permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
2. The permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control officer may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit or to determine compliance with the permit.
3. Permit amendments, permit revisions, and changes made without a permit revision shall conform to the requirements in Article 2, Chapter 3, of the Code.
4. Should this source become subject to a standard promulgated by the Administrator pursuant to CAA §112(d), then Permittee shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard. (Code §3-1-050.C.5)

M. Permit Re-opening (Code §3-1-087.)

1. This permit shall be reopened if either:
 - a. The Control Officer determines that it contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of it; or
 - b. The Control Officer determines that it needs to be revised or revoked to assure compliance with the applicable requirements.
2. If this permit must be reopened or revised, the District will notify the permittee in accord with Code §3-1-087.A.3.

N. Record Retention (Code §3-1-083.A.2.b)

Permittee shall retain for a period of five (5) years all documents required under this permit, including reports, monitoring data, support information, calibration and maintenance records, and all original recordings or physical records of required continuous monitoring instrumentation.

O. Scope of License Conferred (Code §3-1-081.)

This permit does not convey any property rights of any sort, or any exclusive privilege.

P. Excess Emission Reports; Emergency Provision (Code §3-1-081.E, Code §8-1-030)

1. To the extent Permittee may wish to offer a showing in mitigation of any potential penalty, underlying upset events resulting in excess emissions shall reported as follows:
 - a. The permittee shall report to the Control Officer any emissions in excess of the limits established by this permit. Such report shall be in two parts:
 - i. Notifications by telephone or facsimile within 24 hours or the next business day, whichever is later, of the time when the owner or

- operator first learned of the occurrence of excess emissions, including all available information required under subparagraph b. below.
- ii. Detailed written notification within 3 working days of the initial occurrence containing the information required under subparagraph b. below.
- b. The excess emissions report shall contain the following information:
- i. The identity of each stack or other emission point where the excess emissions occurred.
 - ii. The magnitude of the excess emissions expressed in the units of the applicable limitation.
 - iii. The time and duration or expected duration of the excess emissions.
 - iv. The identity of the equipment from which the excess emissions occurred.
 - v. The nature and cause of such emissions.
 - vi. If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions.
 - vii. The steps that were or are being taken to limit the excess emissions. To the extent this permit defines procedures governing operations during periods of start-up or malfunction, the report shall contain a list of steps taken to comply with this permit.
 - viii. To the extent excess emissions are continuous or recurring, the initial notification shall include an estimate of the time the excess emissions will continue. Continued excess emissions beyond the estimated date will require an additional notification.
2. 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 the 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 preventative maintenance, careless or improper operation, or operator error.
3. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of the following subparagraph are met.
4. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The permitted facility was at the time being properly operated;
- c. During the period of emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
- d. The permittee submitted notice of the emergency to the Control Officer by certified mail or hand delivery within 2 working days of the time when emissions limitations were exceeded due to emergency. The notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.

8. Facility Specific Data

A. Equipment

Equipment for which emissions are allowed by this permit are as follows:

- 1. 1 - 1,000 Gallon Gasoline **Storage** Tank

B. Insignificant Activities

- 1. 1 - 1,000 Gallon Diesel **Fuel Storage** Tank

C. Emission Inventory Table

ID	Source	Pollutants	Emissions (Tons/Yr)
1	Gasoline Tank	Volatile Organic Compounds (VOCs)	2.0
		Hazardous Air Pollutants (HAPs)	0.9

Appendix A

Annual Report

Permit ~~S12683.000~~ S12792.000

Abstract

This constitutes an annual report, documenting emissions and use of emission-generating materials during the subject reporting period.

Facility - Town of Kearny
1201 Emory Road, Kearny, AZ

Reporting Period - January to December – Year _____

Fuel Report

Gasoline purchased - _____ gallons

Certification by Responsible Official

I certify that, based on information and belief formed after reasonable inquiry that the facility is in compliance with all the terms of the permit and that statements and information in this report are true, accurate and complete.

Signed _____

Printed Name _____

Title _____

Date _____

Contact Phone Number _____

Email to - compliancereports@pinal.gov, or

Mail to - Pinal County Air Quality Control District
P.O. Box 987
Florence, AZ 85132