

Exhibit 1

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VIA ELECTRONIC MAIL

Richard Ruvo
Director, Office of Air and Radiation
U.S. Environmental Protection Agency
Region 2 Office, Permitting Section
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**Re: Final Plantwide Applicability Limit (PAL) Permit Decision for Limetree Bay Terminals, LLC and Limetree Bay Refining, LLC (“Limetree Bay”)
Docket No. EPA-R02-OAR-2019-0551-0001**

Dear Mr. Ruvo:

Limetree Bay is reviewing the final PAL permit decision and has several questions. The transmittal directs Limetree Bay to contact you with questions.

First, in Condition VII.B (Deviation Report), it appears that EPA is requiring Limetree Bay to report all deviations from the PAL permit (other than exceedances of the PAL emissions limits) within 2 days, “including periods when no monitoring is available.” At a minimum, this would require a daily PAL deviation report, as CEMS calibrations and maintenance result in no monitoring availability for short periods of time. However, EPA’s response to comment 104 appears to adopt Limetree Bay’s comment that deviations (other than exceedances of PAL emissions limits) should be reported in the Title V reports. In addition, the authority that EPA cites for the 2-day deviation reporting requirement—VI Rule 206-71(5)(B)(i)—applies only to deviations resulting from “emergency or upset conditions,” not any deviation from a permit requirement and not periods when no monitoring is available.¹ Limetree Bay requests clarification concerning the deviation reporting requirements in Condition VII.B (Deviation Report), specifically, what deviations must be reported within two days.

Second, Condition V requires Limetree Bay to use updated site-specific emission factors, based on performance testing, in emission calculations prepared in the month following testing:

¹ VI Rule 206-71(5)(B)(i) “[a]ny deviation resulting from emergency or upset conditions as defined in the permit shall be reported within two (2) working days of the date on which the permittee first became aware of the deviation” (emphasis added).

Any updated site-specific emission factor based on the performance testing under this condition will supersede the previous emission factor from the month following the testing.

Condition VII.C requires Limetree Bay to submit the results of any validation or revalidation test within 3 months after completion of such test, as required in Condition V. Limetree Bay requests clarification on whether “following the testing” in this Condition V refers to the date the test report is submitted to EPA or the month following the actual testing. As a practical matter, it is unlikely that Limetree Bay would have the testing results in time to apply the updated emission factors in the month following the actual testing, which is why Limetree Bay was allowed three months to submit the results.

Third, Condition VII.A.4 (Semi-Annual Report) states that the semi-annual report must include “[a] list of each unit at the source that is either new or modified per 40 CFR §52.21(b)(2)(iii) during the preceding six-month reporting period.” The inclusion of “modified” in this sentence could be read to require reporting for *any* unit that undergoes *any* physical change, which would defeat the purpose of having a PAL.² We believe that EPA intended to require reporting of changes at any unit at which a change will result in a change to the emission factor used to calculate that unit’s emissions to comply with the PAL, as described in Condition V. Limetree Bay requests clarification on the scope of reporting required under Conditions VII.A.4 with respect to modified units.

Additionally, we identified what we believe to be typographical errors in the permit. Please confirm whether EPA agrees that the following are typographical errors that will be corrected:

1. On page 4, Condition II.J must be corrected to read: “Limetree **Bay** Terminals, LLC and Limetree Bay Refining, LLC, are each required to comply with all conditions in this permit.” The “Bay” in bold text was inadvertently deleted from the draft to final PAL permit.
2. On page 14, in Table IV-D-3 (Heaters – Default Emission Factors – lb/MMBtu), the SO₂ emission factor for No. 6 fuel oil in the first line is incorrect. It appears the (S) in the factor was inadvertently deleted. The correct SO₂ emission factor for No. 6 fuel oil is 157(S)/HI.

² The draft PAL permit included the limiting language of “emission unit,” stating, “A list of each emission unit at the source that is either new or modified per 40 CFR § 52.21(aa)(2)(iii) during the preceding six-month reporting period” (emphasis added).

3. On page 33, in the last paragraph of Condition V (Performance Tests), there is an incorrect reference to “flares.” This condition is limited to units in Table V-I, which does not contain flares, and so the reference to “flares” must be removed.

Finally, the effective date of the permit and the deadline for appeal are not entirely clear. The December 2, 2020 letter transmitting the final PAL permit says the final permit will become effective 30 days after service of the notice, unless review is requested under 40 C.F.R. §124.19,³ and 40 C.F.R. §124.19 says a petition for review must be filed with the EAB within 30 days after the Regional Administrator serves notice of its issuance.⁴ However, Enclosure 1 of the final PAL permit states that the permit becomes “effective 30 days after the date of signature unless review is requested on the permit under 40 CFR § 124.19” (emphasis added). The date of signature on Enclosure 1 is December 1, 2020. Therefore, it is unclear whether the permit effective date and deadline for appeal are December 31, 2020, based on the date of signature in Enclosure 1, or January 2, 2021, based on the date of service of the permit decision. Limetree Bay requests clarification on the effective date and deadline for appeal of the final PAL permit.

We appreciate the agency’s clarification of these issues to enable Limetree Bay to fully evaluate the permit prior to the effective date/deadline for appeal. Please contact Catherine Elizee at (340) 692-3073 if you have any questions concerning these requests for clarification.

Very truly yours,



LeAnn Johnson Koch

cc: Ryan Biggs (via electronic mail)
Suilin Chan (via electronic mail)
Umesh Dholakia (via electronic mail)
Catherine Elizee (via electronic mail)
David Molloy, Esq. (via electronic mail)
Jeff Rinker (via electronic mail)

³ The final PAL permit language states “. . .this final permit will become effective 30 days after the service of notice, unless review is requested under 40 CFR § 124.19.”

⁴ The regulatory language states: “A petition for review must be filed with the Clerk of the Environmental Appeals Board within 30 days after the Regional Administrator serves notice of the issuance of a RCRA, UIC, NPDES, or PSD final permit decision under § 124.15. . . .” 40 CFR § 124.19(a)(3).