

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Marathon Ashland Petroleum) **NOTICE OF VIOLATION**
LLC)
Detroit, Michigan) **EPA-5-99-MI-34**
)
)
Proceedings Pursuant to)
Section 113(a)(1) of the)
Clean Air Act,)
42 U.S.C. § 7413(a)(1))

Notice Of Violation

The Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, is issuing this Notice of Violation pursuant to Section 113(a)(1) of the Clean Air Act. U.S. EPA hereby notifies the State of Michigan and Marathon Ashland Petroleum LLC (MAP) that U.S. EPA finds that MAP, located at 1300 South Fort Street, Detroit, Michigan, is in violation of the Michigan State Implementation Plan (SIP), the Wayne County Air Pollution Division (WCAPD) Permit Numbers C-9603, C-9604 and C-9605 issued on January 10, 1997, as follows:

Statutory and Regulatory Background

1. On August 25, 1982, U.S. EPA approved Michigan Department of Environmental Quality (MDEQ) Rule 336.1604 Storage of organic compounds having a true vapor pressure of more than 1.5 psia, but less than 11 psia, in existing fixed roof stationary vessels of more than 40,000 gallon capacity as part of the federally enforceable SIP for the State of Michigan. 47 Fed. Reg. 32116.
2. MDEQ Rule 336.1604(1)(a) requires MAP's Tanks 32 and 33 to be capable of maintaining working pressures sufficient to prevent organic vapor or gas loss to the atmosphere at all times, except under emergency conditions.
3. MDEQ Rule 336.1604(1)(b) requires MAP's Tanks 32 and 33 to

be equipped and maintained with a floating cover or roof which rests upon, and is supported by, the liquid being contained and has a closure seal or seals to reduce the space between the cover or roof edge and the vessel wall. The seal or any seal fabric is required to have no visible holes, tears, or other nonfunctional openings.

4. MDEQ Rule 336.1604(1)(c) requires MAP's Tanks 32 and 33 to be equipped and maintained with a vapor recovery system, or other control system approved by the commission, which recovers not less than 90% by weight of the uncontrolled organic vapor that would otherwise be emitted into the atmosphere.
5. On November 11, 1994, U.S. EPA approved MDEQ Rule 336.1628 Emission of volatile organic compounds from components of existing process equipment used in manufacturing synthetic organic chemicals and polymers; monitoring program as part of the federally enforceable SIP for the State of Michigan. 59 Fed. Reg. 46182.
6. MDEQ Rule 336.1628(8)(a) requires MAP to perform a semiannual routine inspection to insure compliance (including annual seal integrity) with all provisions of subrules (2) to (7) of this rule, with the exception of subrule (3)(c) of this rule.
7. On January 18, 1980, U.S. EPA approved MDEQ Rule 336.1617 Existing organic compound-water separators at petroleum refineries as part of the federally enforceable SIP for the State of Michigan. 45 Fed. Reg. 29790.
8. MDEQ Rule 336.1617(2) requires all openings in covers, separators, and forebays of any organic compound-water separator subject to the provisions shall be equipped with lids or seals such that the lids or seals are in the closed position at all times, except when in actual use.
9. 40 C.F.R. Part 52 sets forth the Administrator of the U.S. EPA's approval and disapproval of State Implementation Plans. 40 C.F.R. Section 52.23 states:

Failure to comply with any provisions of this part, or with any approved regulatory provision of a State Implementation Plan, or with any permit condition or permit denial issued pursuant to approved or promulgated regulations for the review of new or modified stationary sources....shall render the

person...so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Clean Air Act.

10. WCAPCD Permit Numbers C-9603, C-9604 and C-9605 Condition 24, prohibits MAP from operating sulfur recovery units A, B & C and the tail gas treatment units No. 1 & No. 2, unless all applicable provisions of Wayne County Air Pollution Control Ordinance, Section 606 are met.
11. Wayne County Air Pollution Control Ordinance, Section 606 states that a person shall not cause or permit the emission into the outer air of sulfur dioxide, sulfur trioxide, or sulfuric acid from an existing sulfur recovery plant to exceed 0.02 gram per gram of sulfur produced, or 0.01 gram per gram of sulfur produced from a plant constructed after July 22, 1971, or in excess of any standard established under the provisions of the Federal Clean Air Act.

Factual Background

12. MAP owns and operates a petroleum refinery located at 1300 South Fort Street, Detroit, Michigan.
13. MAP owns and operates storage vessels identified as Tank 32 and 33 that were installed in 1970 and 1976, respectively. Tanks 32 and 33 have a capacity of 1,400,000 gallons and are identified by MAP to store wastewater.
14. During the NEIC inspection, U.S. EPA inspectors learned that MAP directs oily wastewater to open surge Tanks 32 and 33 when the American Petroleum Institute oil/water separator (API) capacity of 2,000 gallon per minute (GPM) is exceeded or when the final discharge might exceed permit limits. NEIC has estimated 2.19 Mg/yr of benzene are released from Tanks 32 and 33.
15. MAP owns and operates storage vessels identified as Tanks 115, 23 108, 508 and 40. Tank 115 was installed in 1960, has a capacity of 2,501,226 gallons and stores sweet crude and sour crude. Tank 23 was installed in 1974, has a capacity of 336,000 gallons and stores crude slop oil. Tank 108 was installed in 1960, has a capacity of 6,239,940 gallons and stores regular lead free and blend grade gasoline. Tank 508 was installed in 1972, has a capacity of 345,996 and stores crude slop oil. Tank 40 was installed in

1948, has a capacity of 879,228 gallons and stores regular lead free and blend grade gasoline.

16. On January 10, 1997, Wayne County Department of Environment issued MAP Permit Numbers C-9603, C-9604 and C-9605, Permit Modification for Existing Sulfur Recovery Facility, to MAP by Wayne County Department of Environment.
17. The MAP sulfur plant is an "affected facility" within the meaning of NSPS and is subject to 40 C.F.R. Subparts A and J, respectively.

Findings of Violation

18. During the NEIC inspection, inspectors learned that MAP uses Tanks 32 and 33 to direct oily wastewater when the API's 2,000 gallons per minute capacity is exceeded or when the final discharge might exceed permit limits. Because Tanks 32 and 33 have no roofs, benzene present in the stored oily process wastewater is emitted to the atmosphere through volatilization. These are violations of MDEQ Rules 336.1604(1)(a), 336.1604(1)(b), 336.1604(1)(c) and 336.1617(2).
19. During the NEIC inspection, MAP could not produce records showing that an annual seal integrity inspection had been conducted in calendar year 1993 for tank 115 and calendar year 1995 for tank 23 and 108. These are violations of MDEQ Rule 336.1628(8)(a).
20. During the NEIC inspection, the rain drains located on the API separator covers were not sealed, as required, allowing oil to flow onto and collect on the cover. This is a violation of MDEQ Rule 336.1617(2).

7/14/99
Date



Margaret M. Guerriero, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent two Findings of Violations and a Notice of Violation, issued pursuant to the Clean Air Act, by Certified Mail, Return Receipt Requested, to:

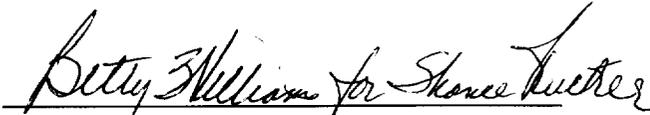
Lloyd Nordahusen, Manager
Marathon Ashland Petroleum LLC
1300 South Fort Street
Detroit, Michigan 48217

I also certify that I sent copies of the Notice of Violation by first class mail to:

Barbara Rosenbaum, Section Supervisor
Michigan Department of Environmental Quality
Air Quality Division
Lansing, Michigan

Gerald Krawiec, District Supervisor
Wayne County Department of Environmental
Air Quality Management Division
Detroit, Michigan

on the 15th day of July, 1999.


Shanee Rucker, Secretary
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: P 140779151