



FINAL

PERMIT TO OPERATE 11666-R1
and
Part 70 PERMIT TO OPERATE 11666

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EQUIPMENT OWNER/OPERATOR:

BreitBurn Energy Company LP

EQUIPMENT LOCATION:

Orcutt Hill MVFF in Orcutt Hill Field

STATIONARY SOURCE/FACILITY:

Orcutt Hill	SSID: 02667
Orcutt Hill Field (MVFF)	FID: 01904

EQUIPMENT DESCRIPTION:

Ph II VR: Balance

TANK LOCATION: Aboveground

TANK NO.	FUEL	CAPACITY (gal)
1	Gasoline	1,000

DISPENSER MFGR.	MODEL	# OF DISPENSERS	NOZZLES PER DISPENSER
Convault	680120	1	1

Total Number of Phase II Gasoline Nozzles:	1
Phase I Vapor Recovery Executive Order No.:	G-70-116-F
Phase II Vapor Recovery Executive Order No.:	G-70-116-F

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Applicable Prohibitory Rules: Rule 303 (*Nuisance*); Rule 316 (*Storage and Transfer of Gasoline*)

CONDITIONS:

9.A Standard Administrative Conditions

The following federally-enforceable administrative permit conditions apply to the MVFF:

A.1 Compliance with Permit Conditions

- (a) The permittee shall comply with all permit conditions in Sections 9.A, 9.B and 9.C.
- (b) This permit does not convey property rights or exclusive privilege of any sort.
- (c) Any permit noncompliance constitutes a violation of the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.
- (d) It shall not be a defense for the 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.
- (e) A pending permit action or notification of anticipated noncompliance does not stay any permit condition.
- (f) Within a reasonable time period, the permittee shall furnish any information requested by the Control Officer, in writing, for the purpose of determining:
 - (i) compliance with the permit, or
 - (ii) whether or not cause exists to modify, revoke and reissue, or terminate a permit or for an enforcement action. [*Re: 40 CFR Part 70.6, APCD Rules 1303.D.1*]
- (g) In the event that any condition herein is determined to be in conflict with any other condition contained herein, then, if principles of law do not provide to the contrary, the condition most protective of air quality and public health and safety shall prevail to the extent feasible.

A.2 Emergency Provisions. The permittee shall comply with the requirements of the APCD, Rule 505 (Upset/Breakdown rule) and/or APCD Rule 1303.F, whichever is applicable to the emergency situation. In order to maintain an affirmative defense under Rule 1303.F, the permittee shall provide the APCD, in writing, a “notice of emergency” within 2 days of the

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emergency. The “notice of emergency” shall contain the information/documentation listed in Sections (1) through (5) of Rule 1303.F. [*Re: 40 CFR 70.6, APCD Rule 1303.F*]

A.3 Compliance Plan.

- (a) The permittee shall comply with all federally-enforceable requirements that become applicable during the permit term, in a timely manner, as identified in the Compliance Plan.
- (b) For all applicable equipment, the permittee shall implement and comply with any specific compliance plan required under any federally-enforceable rules or standards. [*Re: APCD Rule 1302.D.2*]

A.4 Right of Entry. The Regional Administrator of USEPA, the Control Officer, or their authorized representatives, upon the presentation of credentials, shall be permitted to enter upon the premises where a Part 70 Source is located or where records must be kept:

- (a) To inspect the stationary source, including monitoring and control equipment, work practices, operations, and emission-related activity;
- (b) To inspect and duplicate, at reasonable times, records required by this Permit to Operate;
- (c) To sample substances or monitor emissions from the source or assess other parameters to assure compliance with the permit or applicable requirements, at reasonable times. Monitoring of emissions can include source testing. [*Re: APCD Rule 1303.D.2*]

A.5 Permit Life. The Part 70 permit shall become invalid three years from the date of issuance unless a timely and complete renewal application is submitted to the APCD. Any operation of the source to which this Part 70 permit is issued beyond the expiration date of this Part 70 permit and without a valid Part 70 operating permit (or a complete Part 70 permit renewal application) shall be a violation of the CAAA, § 502(a) and 503(d) and of the APCD rules.

The permittee shall apply for renewal of the Part 70 permit not later than 6-months before the date of the permit expiration. Upon submittal of a timely and complete renewal application, the Part 70 permit shall remain in effect until the Control Officer issues or denies the renewal application. [*Re: APCD Rule 1304.D.1*]

A.6 Payment of Fees. The permittee shall reimburse the APCD for all its Part 70 permit processing and compliance expenses for the stationary source on a timely basis. Failure to reimburse on a timely basis shall be a violation of this permit and of applicable requirements and can result in forfeiture of the Part 70 permit. Operation without a Part 70 permit subjects the source to

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potential enforcement action by the APCD and the USEPA pursuant to section 502(a) of the Clean Air Act. [Re: APCD Rules 1303.D.1 and 1304.D.11, 40 CFR 70.6]

- A.7 **Prompt Reporting of Deviations.** The permittee shall submit a written report to the APCD documenting each and every deviation from the requirements of this permit or any applicable federal requirements within 7 days after discovery of the violation, but not later than 180-days after the date of occurrence. The report shall clearly document 1) the probable cause and extent of the deviation, 2) equipment involved, 3) the quantity of excess pollutant emissions, if any, and 4) actions taken to correct the deviation. The requirements of this condition shall not apply to deviations reported to APCD in accordance with Rule 505. *Breakdown Conditions*, or Rule 1303.F *Emergency Provisions*. [APCD Rule 1303.D.1, 40 CFR 70.6(a) (3)]
- A.8 **Reporting Requirements/Compliance Certification.** The permittee shall submit compliance certification reports to the USEPA and the Control Officer every six months. These reports shall be submitted on APCD forms and shall identify each applicable requirement/condition of the permit, the compliance status with each requirement/condition, the monitoring methods used to determine compliance, whether the compliance was continuous or intermittent, and include detailed information on the occurrence and correction of any deviations (excluding emergency upsets) from permit requirement. The reporting periods shall be each half of the calendar year, e.g., January through June for the first half of the year. These reports shall be submitted by September 1 and March 1, respectively, each year. Supporting monitoring data shall be submitted in accordance with the “Semi-Annual Monitoring/Compliance Verification Report” condition in section 9.C. The permittee shall include a written statement from the responsible official, which certifies the truth, accuracy, and completeness of the reports. [Re: APCD Rules 1303.D.1, 1302.D.3, 1303.2.c]
- A.9 **Federally-Enforceable Conditions.** Each federally-enforceable condition in this permit shall be enforceable by the USEPA and members of the public. None of the conditions in the APCD-only enforceable section of this permit are federally-enforceable or subject to the public/USEPA review. [Re: CAAA, § 502(b)(6), 40 CFR 70.6]
- A.10 **Recordkeeping Requirements.** Records of required monitoring information shall include the following:
- (a) The date, place as defined in the permit, and time of sampling or measurements;
 - (b) The date(s) analyses were performed;
 - (c) The company or entity that performed the analyses;
 - (d) The analytical techniques or methods used;
 - (e) The results of such analyses; and
 - (f) The operating conditions as existing at the time of sampling or measurement.

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The records (electronic or hard copy), as well as all supporting information including calibration and maintenance records, shall be maintained for a minimum of five (5) years from date of initial entry by the permittee and shall be made available to the APCD upon request. [Re: APCD Rule 1303.D.1.f, 40CFR70.6(a)(3)(ii)(A)]

A.11 **Conditions for Permit Reopening.** The permit shall be reopened and revised for cause under any of the following circumstances:

- (a) **Additional Requirements:** If additional applicable requirements (e.g., NSPS or MACT) become applicable to the source which has an unexpired permit term of three (3) or more years, the permit shall be reopened. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. However, no such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended. All such re-openings shall be initiated only after a 30-day notice of intent to reopen the permit has been provided to the permittee, except that a shorter notice may be given in case of an emergency.
- (b) **Inaccurate Permit Provisions:** If the APCD or the USEPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emission standards or other terms or conditions of the permit, the permit shall be reopened. Such re-openings shall be made as soon as practicable.
- (c) **Applicable Requirement:** If the APCD or the USEPA determines that the permit must be revised or revoked to assure compliance with any applicable requirement including a federally-enforceable requirement, the permit shall be reopened. Such re-openings shall be made as soon as practicable.

Administrative procedures to reopen and revise/revoke/reissue a permit shall follow the same procedures as apply to initial permit issuance. Re-openings shall affect only those parts of the permit for which cause to reopen exists.

If a permit is reopened, the expiration date does not change. Thus, if the permit is reopened, and revised, then it will be reissued with the expiration date applicable to the re-opened permit. [Re: 40 CFR 70.7, 40 CFR 70.6]

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- A.12 **Grounds for Revocation.** Failure to abide by and faithfully comply with this permit or any Rule, Order, or Regulation may constitute grounds for the APCO to petition for permit revocation pursuant to California Health & Safety Code Section 42307 *et seq.*
- A.13 **Transfer of Owner/Operator.** This permit is only valid for the owner and operator listed on the first page of this permit unless a *Transfer of Owner/Operator* application has been applied for and received by the APCD. Any transfer of ownership or change in operator shall be done in a manner as specified in APCD Rule 203. APCD Form –01T and the appropriate filing fee shall be submitted to the APCD within 30 days of the transfer.

9.B. Generic Conditions

The generic conditions listed below apply to all emission units, regardless of their category or emission rates. In case of a discrepancy between the wording of a condition and the applicable federal or APCD rule(s), the wording of the rule shall control.

- B.1 **Circumvention (Rule 301):** A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 26 (Air Resources) of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California, or of APCD Rule 303. [*Re: APCD Rule 301*]
- B.2 **Nuisance (Rule 303):** No pollutant emissions from any source at Orcutt Hill shall create nuisance conditions. Operations shall not endanger health, safety or comfort, nor shall they damage any property or business. [*Re: APCD Rule 303*]
- B.3 **Emergency Episode Plans (Rule 603):** During emergency episodes, the permittee shall implement the Emergency Episode Plan dated March 30, 1999. [*Reference APCD Rule 603*]

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9.C Requirements and Equipment Specific Conditions

This section contains non-generic federally-enforceable conditions, including emissions and operations limits, monitoring, recordkeeping and reporting for each specific equipment group. This section may also contain other non-generic conditions.

C.1 Gas Station:

- (a) Emission Limits: Facility emissions of Reactive Organic Compounds (“ROCs”) shall not exceed 0.20 lbs/day or 0.04 tons/yr. Compliance with this condition will be assessed through: (a) the annual gasoline throughput limit, (b) the vapor recovery systems testing, and (c) the inspection and maintenance requirements of this permit, Rule 316, the applicable Executive Orders and State laws, rules and regulations.
- (b) Operational Limits:
 - (1) Gasoline Throughput: Gasoline throughput shall not exceed 40,000 gallons per year. Records shall be kept on site by the operator and shall be made available to APCD personnel upon request.
 - (2) Facility Condition: Any defective component of the Vapor Recovery System (“VRS”) shall be removed from service until it is repaired, replaced, or adjusted as necessary to ensure compliance.
 - (3) Vapor Tight Seals: Gauging and sampling devices on the tanks shall be equipped with vapor-tight covers which shall be closed at all times except during gauging or sampling.
 - (4) Equipment Operation: Equipment operation shall be conducted in compliance with all data, specifications and assumptions included with the applications and as documented in the APCD’s project file. The Vapor Recovery System(s) listed above shall be installed and operated in accordance with the applicable California Air Resources Board (“ARB”) Executive Orders.
 - (5) Phase II EVR: N/A

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(c) Monitoring:

- (1) VRS Maintenance and Compliance Testing - Routine/Ongoing Operations: The permittee shall routinely conduct and successfully pass the following VRS system test: Static Leak Decay Test. The test shall be conducted pursuant to Table T. All VRS performance tests shall be done according to the test protocols approved by the ARB.

In order that the APCD may witness testing, the permittee shall notify the APCD of the planned testing date not less than five (5) business days prior to the testing. All data for each test (including any data showing initial test failures) shall be sent to the APCD at 260 North San Antonio Drive, Suite A, Santa Barbara, CA, 93110 (Attn: *Engineering & Compliance Division*) within 30 days of successful test completion, using APCD or ARB approved reporting forms.

- (2) VRS Performance Testing: N/A

- (3) Inspection, Repair, and Testing Records: The owner/operator is responsible to ensure that any person who performs inspections, repairs, or testing of any of the gasoline dispensing VRS components at this station, including, but not limited to the activities for normal operation and maintenance, performance and/or reverification testing according to ARB protocols, and those following damage to dispensing equipment from a “driveoff” or other kind of damage, shall provide to the owner/operator all records in a legible form as listed in Attachment “A” of this permit. The records listed in Attachment “A” shall be maintained on site by the owner/operator for at least two years, and be made available for APCD inspection upon request.

(d) Recordkeeping:

- (1) The permittee shall record and maintain the following information. This data shall be maintained for a minimum of three (3) years from the date of each entry and made available to the APCD upon request:
- (i) The monthly and annual gasoline throughput. The annual throughput shall be compiled by summing the monthly totals over a calendar year.
 - (ii) Inspection, repair and testing records required by Section 9.C.1.c.3

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(e) Reporting:

- (1) Semi-Annual Monitoring/Compliance Verification Reports. The permittee shall submit a report to the APCD every six months to verify compliance with the emission limits and other requirements of this permit. This report may be combined with another BreitBurn Orcutt Hill facility semi-annual report in lieu of a stand alone report. The reporting periods shall be each half of the calendar year, e.g., January through June for the first half of the year. These reports shall be submitted by September 1 and March 1, respectively, each year, and shall be in a format approved by the APCD. The following information shall be included:
- (i) The monthly and annual gasoline throughput (annual required only in March report).



AIR POLLUTION CONTROL OFFICER

JUN 02 2009

DATE

ATTACHMENT "A" – VR System Inspection, Repair and Testing Recordkeeping Requirements
ATTACHMENT "B" – Fee Statement

NOTES:

- 1) This permit supersedes Pt70 PTO 11666 issued March 29, 2006.
- 2) Permit Reevaluation Due Date: June 2, 2012
- 3) Part 70 Operating Permit Expiration Date: June 2, 2012

TABLE T – ROUTINE VRS TESTING REQUIREMENTS

Static Leak Decay Annual testing required. The permittee shall conduct and successfully pass Static Leak Decay testing once per year (at least 350 days between tests, but not to exceed 410 days between tests). Routine testing shall consist of at least one compliance test per year according to the test protocols approved by the ARB.

The tests listed above, and any other VRS specific tests required in the applicable Executive Orders, are required to be performed by the permittee. At any time, the APCD may require the permittee to perform any applicable ARB Test Procedure if operational VRS problems are observed.

All Static Leak Decay tests are subject to the following requirements: (a) the combined tank ullage shall be between 20% and 80% during the test; (b) no fuel drops shall occur within 4 hours prior to the test; (c) no other Static Leak Tests shall occur within 24 hours prior to the test.

Maintenance and Compliance test results (including initial failures) shall be documented by using SBCAPCD or ARB approved reporting forms¹. Document all failures by detailing the cause(s) and corrective action(s) taken to eliminate the failure(s). “Successfully passing” a test means that all test results indicate compliance initially, without replacing, adjusting or repairing any equipment, part or item of the VRS. Example: If initial testing indicates a failure, and the equipment is adjusted, retested, and then passes, this is considered a failed test and shall be noted as such in the repair records and reporting forms.

Components and/or systems failing the Static Leak test shall not be used to dispense or receive gasoline, unless the permittee contacts the APCD (961-8802, #2) to obtain Rule 505 "Breakdown" protection for the failed equipment for 24 hours. Components unable to be repaired within 24 hours must be removed from service unless a variance is obtained from the APD Hearing Board. All failed equipment shall be tagged as "out of order" until repaired.

The Compliance Tests must be arranged for in accordance with the applicable permit condition(s).

¹ see the APCD’s Gasoline Station Webpage at www.sbcapcd.org/eng/compliance/gasoline/gasoline.htm

ATTACHMENT "A"

VR System Inspection, Repair and Testing Recordkeeping Requirements

1. Records of all defective components identified or repaired during or as the result of any VRS equipment inspections.
2. Repair logs that include:
 - The date and time of each repair;
 - The name of the person(s) who performed the repair;
 - If applicable, the name, address and phone number of the repair person's employer;
 - A description of the service performed;
 - A listing of each component repaired, serviced, or removed, including the component(s) manufacturer's (or re-manufacturer's) name and model number as certified by the ARB (as applicable);
 - A listing of each component that was installed as a replacement, including the component(s) manufacturer's (or re-manufacturer's) name and model number as certified by the ARB (as applicable);
 - Receipts for parts used in the repair and, if applicable, work orders, which shall include the name and signature of the person responsible for performing the repairs;
 - Any other information specifically required by the applicable Executive Orders.
3. Records of **All** Maintenance and Compliance Tests, and any other VRS specific tests required in the applicable Executive Orders that include:
 - The date and start time of each test;
 - The type of test (specify ARB TP number);
 - Name(s), employer (or affiliation), address and phone number of the person(s) performing the tests;
 - Test data and calibration data for all equipment used;
 - Date and time each test is completed and the facility owner/operator is notified of the test results. For a test that fails, a description of the reason(s) for the test failure shall also be included;
 - For a retest following a failed test, a description of the repairs performed prior to the retest (or a cross-reference to the Repair Log in item 2) above);
 - Completed APCD-approved reporting forms².
 - Any other records specifically required by the applicable Executive Orders.

² see the APCD's Gasoline Station Webpage at www.sbcapcd.org/eng/compliance/gasoline/gasoline.htm

ATTACHMENT "B"

FEE STATEMENT
PTO No. 11666 - R1
FID: 01904 Orcutt Hill Field (MVFF) / SSID: 02667



Permit Fee	
Minimum Reveval Fee	365.00

Fee Statement Grand Total = \$365

Notes:

- (1) Fee Schedule Items are listed in APCD Rule 210, Fee Schedule "A".
- (2) The term "Units" refers to the unit of measure defined in the Fee Schedule.