

ALLEGHENY COUNTY HEALTH DEPARTMENT

IN RE:

Ashland Petroleum Company ) PLAN APPROVAL ORDER  
Division of Ashland, Inc. ) AND AGREEMENT NO. 256  
P.O. Box 391 ) UPON CONSENT  
Ashland, KY 41169 )

AND NOW, this 19th day of December, 1996,

WHEREAS, the Allegheny County Health Department, (hereafter referred to as "Department"), has determined that the Ashland Petroleum Company, Division of Ashland, Inc. (hereafter referred to as "Ashland"), P.O. Box 391, Ashland, KY 41169, is the owner and operator of a petroleum storage, blending and distribution facility at 204 Glass House Road, Floreffe, Allegheny County, PA 15025 (hereafter referred to as "the facility"), is a major stationary source of volatile organic compounds (hereafter referred to as "VOCs") emissions as defined in Section 2101.20 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, dated October 20, 1995 (hereafter referred to as "Article XXI"); and

WHEREAS, the Department recognizes that the major source determination is based solely on the facility's potential to emit VOCs, rather than actual VOC emissions, and that the emissions from the facility from 1990 to 1995 have been less than twenty-five (25) tons per year; and

WHEREAS, the Department has determined based on potential emissions of the facility, that Section 2105.06.a. of Article XXI, entitled "Major Sources of NO<sub>x</sub> & VOCs" is applicable to Ashland's operations at this facility, effective October 20, 1995; and

WHEREAS, Ashland promptly submitted to the Department all documents required by Section 2105.06.b of Article XXI (hereafter referred to as "the proposal"); and

WHEREAS, the Department, after a review of the submitted proposal, has determined the proposal to be complete; and

WHEREAS, the Department has further determined, after review of the submitted proposal, that it constitutes Reasonably Available Control Technology (hereafter referred to as "RACT") for control of VOC emissions from the facility; and

WHEREAS, the Department and Ashland desire to memorialize the agreements between the parties and the resultant RACT plan approval by entry of a <sup>of</sup> Plan Approval Order and Agreement Upon Consent; and

NOW, THEREFORE, this day first written above, upon agreement of the parties as hereinafter set forth, the Department the hereby issues this Plan Approval Order and Consent Agreement:

I. PLAN APPROVAL ORDER (ORDER)

1.1. Calendar year actual VOC emissions from the facility shall be less than fifty (50) tons per year. If, at any time, the installation of a new source, modification of an existing source, or change in operation will result to cause the facility to exceed the established VOC emission limit of fifty (50) tons/year, Ashland shall submit a RACT proposal to the Department that meets the requirements of Article XXI and complete implementation of the RACT proposal as approved or modified by the Department prior to the installation, modification or change in operation of the existing source.

1.2. Ashland shall at all times maintain the following records to demonstrate compliance with Section 1.1 of this Order.

1. Type of VOC-containing products stored.
2. Annual throughput of VOC-containing products processed and/or distributed.

✓ 1.3. Ashland shall retain all records required by Section 1.2 of this Order for the facility for at

least two (2) years and shall make the same available to the Department upon reasonable notice.

## II. CONSENT AGREEMENT

The foregoing Order is subject to the following Agreement subject to the following agreement of the parties, to wit:

- 2.1. The parties agree that Ashland promptly submitted to the Department all documents required by Section 2105.06.b of Article XXI, also known herein as "the proposal"; and
- 2.2. The Department reviewed the submitted proposal and determined that the proposal was and is complete; and
- 2.3. The Department has further determined that the proposal constitutes Reasonably Available Control Technology for control of VOC emissions from the facility; and

- 2.4. The contents of this Order shall be submitted by the Department, to the Pennsylvania Department of Environmental Protection, for its submission to the US EPA as a revision to Allegheny County's portion of the Commonwealth of Pennsylvania's State Implementation, (hereafter referred to as "SIP").
- 2.5. As a result of a failure to comply with any portion of this Order or Agreement, the Department may subject Ashland to enforcement remedies available within Article XXI.
- 2.6. Ashland hereby consents to the foregoing Order and hereby knowingly waives all rights to appeal said Order. Such consent and waiver is limited to this Order and becomes null and void as to any revisions and/or modifications of this Order, unless a specific, separate written agreement provides such consent and waiver of appeal for such modifications and/or revisions.
- 2.7. Likewise, the Department hereby consents to the foregoing Order and hereby knowingly waives all rights to appeal said Order. Such consent and waiver is limited to this Order and becomes null

and void as to any revisions and/or modifications of this Order, unless a specific, separate written agreement provides such consent and waiver of appeal for such modifications and/or revisions.

2.8. The parties both acknowledge and understand that the purpose of this agreement is to establish RACT for the control of emissions of VOCs from this facility.

~~2.9. The Department agrees to exert all reasonable efforts to obtain US EPA's acceptance of both the Order portion and the agreement portion of the Plan Approval Order and Consent Agreement as a revision to Allegheny County's portion of the SIP. The parties further acknowledge and understand the possibility that the US EPA may choose not to accept the Agreement portion of the Plan Approval Order and Consent Agreement as a revision to Allegheny County's portion of the SIP.~~

2.10. The Department agrees to waive all costs associated with this Order and Agreement including and specifically those expressed in Section 2105.06.c.2 of Article XXI.

2.11. The undersigned represent that he or she is authorized to consent to the Order and to enter into this Agreement on behalf of Ashland and the Department.

IN WITNESS WHEREOF, and intending to be legally bound, the parties hereby consent to all of the terms and conditions of the foregoing Plan Approval Order and Consent Agreement as of the date of the above written.

ASHLAND PETROLEUM COMPANY  
DIVISION OF ASHLAND, INC.

*PH*  
*RAW*

By: Malcolm F. Howard  
(signature)

Print or type Name: Malcolm F. HOWARD

Title: V-P, Transportation & Terminal

Date: 11-7-96

ALLEGHENY COUNTY HEALTH DEPARTMENT

By: B. W. Dixon 11/9/96

Bruce W. Dixon, M.D., Director  
Allegheny County Health Department

and By: T. J. Puzniak

T. J. Puzniak, Engineering Manager  
Air Quality Program

