

**DEPARTMENT OF PLANNING  
AND NATURAL RESOURCES**



**AIR POLLUTION CONTROL PROGRAM PERMIT TO CONSTRUCT AND OPERATE**

for

**LIMETREE BAY TERMINALS, LLC ("LBT") D/B/A OCEAN POINT TERMINALS**

**EFFECTIVE DATE: November XX, 2023**

**EXPIRATION DATE: November XX, 2026**

**PERMIT NUMBER: STX-1-XXX-23 (HEATED TANKS PROJECT)**

**THE PERMITTEE IS SUBJECT TO ALL TERMS, CONDITIONS, LIMITATIONS,  
AND STANDARDS CONTAINED HEREIN. THE CONDITIONS IN THIS PERMIT  
ARE BOTH FEDERALLY AND LOCALLY ENFORCABLE.**

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Austin F. Callwood, Director

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Date

## SECTION I: FACILITY INFORMATION

PERMITTEE	Limetree Bay Terminals, LLC d/b/a Ocean Point Terminals
SIC CODE	4226
PERMIT NUMBER	STX-1-XXX-23
FACILITY ADDRESS	#1 Estate Hope St. Croix, USVI 00820
MAILING ADDRESS	#1 Estate Hope St. Croix, USVI 00820
ISLAND	St. Croix
RESPONSIBLE OFFICIAL	Jeff Charles, Chief Operating Officer 1 Estate Hope Christiansted, VI 00820 340-692-3382 jcharles@opterminals.com

## SECTION II: EMISSION SOURCES

**Table 1. Permitted Emission Units**

<b>Plant Area</b>	<b>Process Unit</b>	<b>Source ID(s)</b>	<b>Unit Description</b>	<b>Permit ID Group</b>
Area IX	Tank	TK-7413	292,000 bbl capacity Fixed Roof Tank <b>Controls: N/A</b>	10
Area IX	Tank	TK-7414	292,000 bbl capacity Fixed Roof Tank <b>Controls: N/A</b>	10
Area IX	Tank	TK-7415	292,000 bbl capacity Fixed Roof Tank <b>Controls: N/A</b>	10
Area IX	Tank	TK-7416	292,000 bbl capacity Fixed Roof Tank <b>Controls: N/A</b>	10
	Heater	Tank Heater	30 MMBtu/hr liquified propane fired, low NOx burning single fuel heater. <b>Controls: N/A</b>	27

## SECTION III: REGULATORY REQUIREMENTS

Based on the information submitted in the Permit Application, supporting documents, and equipment verification **Limetree Bay Terminals, LLC d/b/a Ocean Point Terminals (Permittee)** is subject to the following regulations:

Table 1: Regulatory Information

40 CFR 63, Subpart DDDDD: National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters
Virgin Islands Rules and Regulations Title 12, Chapter 9 (12 VIR&R Ch 9)
40 CFR 63, Subpart A

These pieces of equipment are located at #1 Estate Hope, Christiansted, St. Croix VI 00820

This Authority to Construct and Permit to Operate (herein “the Permit” or “this Permit”) is issued under the authority of the Virgin Islands Air Pollution Control Act and Virgin Islands Rules and Regulations Title 12, Chapter 9, 206-26, 206-27 and 206-31 and permits the construction and operation of the units in Section II and permit application.

Be advised that in accordance with 12 VIR&R Ch 9 § 206-28(a), the Commissioner may modify, suspend, or revoke this Permit on any of the following grounds:

- 1) Materially false or inaccurate statements in the application or supporting papers.
- 2) Failure by the permittee to comply with any terms and conditions or the Permit.
- 3) Exceeding the scope of the project as described in the application.
- 4) Newly discovered information or significant physical changes since the Permit was issued.
- 5) Non-compliance with any provisions of the Virgin Islands Rules and Regulations directly related to the permitted activity.

**A. EMISSION LIMITATIONS**

A.1 Group 10 – Fixed Roof Tanks (Tank 7413-7416)

None

A.2 Group 27 – Tank Heater

A.2.1 The Permittee may not emit visible emissions equal to or greater than 20%. In addition, fuel burning facilities may emit visible emissions equal to or less than 40% opacity per a period or periods not more than 3 minutes in any 30 minutes. [CVIR 12-09-204-22]

A.2.2 Particulate matter emissions from fuel burning equipment of 30 MMBtu/hr are limited to less than 0.47 lb/MMBtu. [CVIR 12-09-204-23(b)(1)]

A.2.3 No person shall cause, let, permit, suffer or allow any emission of sulfur oxides which results in ground level concentrations of sulfur oxides at any given point in excess of 0.5 ppm (volume) in any three hour period or average exposure in excess of 0.14 ppm (volume) of sulfur oxide in any 24-hour period. These limitations shall not apply to ground level concentrations occurring on the property from which such emission occurs, provided such property, from the emission point to the point of any such concentration, is controlled by the person responsible for such emission. [CVIR 12-09-204-26(a)(1)]

**B. EQUIPMENT TESTING REQUIREMENTS**

B.1 Group 10 – Fixed Roof Tanks (Tank 7413-7416)

None

B.2 Group 27 – Tank Heater

None

**C. EQUIPMENT MONITORING REQUIREMENTS**

C.1 Group 10 – Fixed Roof Tanks (Tank 7413-7416)

None

C.2 Group 27 – Tank Heater

C2.1 The facility must conduct a tune-up on the Tank Heater annually as specified in 40 CFR part 63, Subpart DDDDD § 63.7540(a)(10). Each annual tune-up specified in § 63.7540(a)(10) must be completed no more than 13 months after the previous

tune-up.

[40 CFR §63.7500(a)(1)]

C.2.2 Operate and maintain the process heater, at all times, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

[40 CFR §63.7500(a)]

#### **D. EQUIPMENT RECORDKEEPING AND REPORTING REQUIREMENTS**

D.1 Group 10 – Fixed Roof Tanks (Tank 7413-7416)

None

D.2 Group 27 – Tank Heater

D.2.1 Keep records of a copy of each notification and report submitted to comply with 40 CFR 63 Subpart DDDDD, including all documentation supporting any Initial Notification or Notification of Compliance Status submitted, according to the requirements in 40 CFR §63.10(b)(2)(xiv).

- (1) As specified in § 63.9(b)(4) and (5), for new or reconstructed affected sources started up on or after January 31, 2013, submit an Initial Notification not later than 15 days after the actual date of startup of the affected source.
- (2) For sources not required to conduct an initial compliance demonstration as specified in § 63.7530(a), submit a Notification of Compliance Status containing the information specified in paragraphs § 63.7545(e)(1) and (8) within 60 days of the compliance date specified at § 63.7495(b).

[40 CFR §63.7555(a)(1) and §63.7545]

D.2.2 Submit each report in Table 9 of 40 C.F.R. 63 Subpart DDDDD that applies. The permittee must submit an annual compliance report as specified below:

- (1) A compliance report must contain the following information:
  - a) Company and Facility name and address.
  - b) Unit information.
  - c) Date of report and beginning and ending dates of the reporting period.
  - d) The total operating time during the reporting period.
  - e) Include the date of the most recent tune-up for each unit. Include the date of the most recent burner inspection if it was not done in the annual period and was delayed until the next scheduled or unscheduled unit shutdown.
- (2) As per 40 C.F.R. §63.7550(h)(3), the permittee must submit all reports electronically using CEDRI that is accessed through the EPA's Central Data Exchange (CDX) ([www.epa.gov/cdx](http://www.epa.gov/cdx)). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the permittee must submit the report to the Administrator at the appropriate address listed in 40 C.F.R. §63.13. At the discretion of the Administrator, the permittee must

also submit these reports, to the Administrator in the format specified by the Administrator.

[40 CFR §63.7550]

D.2.3 Keep records of the notification of the date of construction or reconstruction and actual startup, as provided by 40 CFR § 60.7. The notification of the date construction (or reconstruction) of an affected facility shall be postmarked no later than 30 days after such date. The notification of the actual date of initial startup of an affected facility shall be postmarked within 15 days after such date. This notification shall include:

(1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.

(2) If applicable, a copy of any federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under § 60.42c, or § 60.43c.

(3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

(4) Notification if an emerging technology will be used for controlling SO<sub>2</sub> emissions. The Administrator will examine the description of the control device and will determine whether the technology qualifies as an emerging technology. In making this determination, the Administrator may require the owner or operator of the affected facility to submit additional information concerning the control device. The affected facility is subject to the provisions of § 60.42c(a) or (b)(1), unless and until this determination is made by the Administrator.

[40 CFR §60.48c(a)]

## **E. FACILITY WIDE REQUIREMENTS**

E.1. The Permittee shall also comply with any other emission limits, testing, monitoring, recordkeeping and reporting required pursuant to the Virgin Islands rules and regulations.

E.2. Where an applicable requirement of the Clean Air Act, as amended 42 USC 7401 (Act) is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, the permit incorporates both provisions into the permit and the Commissioner or the Administrator can enforce both provisions.

E.3. All records and data required to demonstrate compliance in this Permit shall be submitted to the Department upon request.

E.4. The Permittee must operate and maintain all operating equipment, air pollution control equipment, and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including during startup, shutdown, and malfunction.

E.5. The Permittee shall ensure that any fugitive dust associated with the construction or installation of the equipment covered by this Permit is minimized and controlled.

E.6. The Permittee must construct and/or install the equipment, control apparatus and emission monitoring equipment within the design limitations.

E.7. The Permittee shall report any exceedance of this Permit in the Title V semi-annual report. If there is no exceedance, a statement as such will be included in the Title V semi-annual report.

E.8. For the purpose of ascertaining compliance or non-compliance with any air pollution control rule or regulation, the Commissioner may require the Permittee who owns such air contamination source, to conduct acceptable tests to measure emissions.

E.9. The Permittee shall notify the Commissioner in writing not less than thirty (30) days prior to any proposed stack test of the emissions units' subject to this Permit, of the time and date of the proposed stack test as applicable. Such notification shall also include the acceptable procedures to be used to conduct said stack test including sampling and analytical procedures.

E.10. The Permittee allow the Commissioner, or his representatives, free access to observe stack testing.

E.11. All stack test reports (Compliance test results) required by this Permit (if any) shall be submitted to the USEPA and the Department within sixty (60) days after completing the applicable testing.

E.12. The Permittee must provide the following as applicable:

- (a) Sampling ports adequate for applicable test methods;
- (b) Safe access to sampling ports; and
- (c) Utilities for sampling and testing equipment.

E.13. The Permittee shall not cause or permit any materials to be handled, transported, or stored in a building, its appurtenances, or cause a road to be used, constructed, altered, repaired or demolished without taking the necessary precautions to prevent particulate matter from becoming airborne. [V. I. R&R 204-25(a)(1) through (9)].

E.14. The Commissioner may require other reasonable measures as may be necessary to prevent particulate matter from becoming airborne.

E.15. The Permittee shall not cause or permit the discharge of visible emissions of fugitive dust beyond the boundary line of the property on which their emissions originate.

E.16. The Permittee must maintain the following records of monitoring information if monitoring is required by this Permit.

- (a) The date, location and time of sampling or measurements
- (b) The date(s) analyses performed



- (c) The company or entity performing the analyses
- (d) The analytical techniques or methods used
- (e) The result of such analyses
- (f) The facility's status at the time of sampling or measurements.

## **F. GENERAL REQUIREMENTS**

F.1 This Authority to Construct shall automatically become invalid one (1) year after the date of its issuance, unless the construction has commenced or an application for extension, in the form of a letter to the Commissioner, is made thirty (30) days prior to the expiration date of the Permit; or sooner than one year upon notification by the Permittee that construction is completed, then DPNR shall conduct an inspection to determine completion.

F.2. This Permit shall be then converted to a Permit to Operate, upon notification of completion of construction, and shall be valid for the remaining duration of this Permit, unless a timely application for renewal has been made. When the Permit to Operate is incorporated into the Permittee's Title V Permit in accordance with 12 V.I. R&R §206-21(b), the provisions shall expire as provided in the Title V Permit.

F.3. Any revisions to activities described in the permit application and authorized in this Permit must be approved by the Commissioner prior to commencement of operations.

F.4. In the case that this Permit is subject to any challenge by third parties, the effectiveness of the Permit stands until any judicial court decides the contrary.

F.5. Failure of the Commissioner to act on a permit application shall not be deemed issuance by default.

F.6. The Permittee must comply with all conditions of this Permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

F.7. All terms and conditions contained herein shall be enforceable by the US EPA and citizens of the United States under the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

F.8. Nothing in this Permit shall alter or affect the authority of the US EPA to obtain information pursuant to 42 U.S.C. 74 14, "Inspections, Monitoring, and Entry".

F.9. The Permittee shall not claim as a defense 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.

F.10. The Department may modify, revoke, reopen and reissue the Permit or terminate the Permit for cause [12 V.I.R. & R § 206-28]. The filing of a request by the source for a permit modification, revocation and reissuance, or termination or the filing of a

notification of planned changes or anticipated noncompliance does not stay any permit condition.

F.11. This Permit does not convey any property rights of any sort, or any exclusive privilege.

F.12. Issuance of this Permit does not relieve the Permittee from the responsibility of obtaining and complying with any other permits, licenses, or approvals required by the Department or any other federal, territorial, or local agency.

F.13. Nothing in this Permit shall alter or affect the liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance.

F.14. Any condition or portion of this Permit, which is challenged, becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this Permit.

F.15. Compliance with the terms of this Permit shall be deemed compliance with all applicable requirements as of the date of Permit issuance, provided that all applicable requirements are included and specifically identified in the Permit or permit application.

F.16. In accordance with 12 V.I. R.&R. §206-65, the Department shall allow certain defined changes at permitted facilities that contravene permit terms or conditions or make them inapplicable without requiring a permit revision. Such changes may not include changes that violate applicable requirements or contravene permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

F.17. If after notification as described in Condition 16 above, the Department deems that the change implemented by the source does not qualify under 206-65(b), the original terms of the permit remain fully enforceable.

F.18. Provisions for operational flexibility do not preclude a source's obligation to comply with all applicable requirements.

F.19. Information contained in permit applications shall be public, except that which is claimed confidential in accordance with the Virgin Islands Air Pollution Control Act. The contents of the permit itself are not entitled to confidentiality.

F.20. The Permittee must allow an authorized representative of the Department, upon presentation of credentials, to perform the following:

- (a) Enter upon LIMETREE BAY TERMINALS, LLC premises where the permitted source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records required under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and

(d) As authorized by the Act, sample or monitor at reasonable times substances or parameters for assuring compliance with this permit or applicable requirements.

F.21. The Permittee shall furnish to the Department, in writing, information that the Department may request to determine whether cause exists for modifying, revoking and re issuing, or terminating the Permit, or to determine compliance with the Permit.

F.22. Upon request, the Permittee shall furnish to the Department copies of records that this facility is required to keep by this Permit, which information may be claimed to be confidential in accordance with the Virgin Islands Air Pollution Control Act. The Permittee may furnish such records directly to the Department, if necessary, along with a claim of confidentiality.

F.23. A copy of this Permit shall be kept on-site at LIMETREE BAY TERMINALS, LLC.

F.24 The Permittee shall maintain records for at least five years. [VIRR 12-09-206 71(a)(4)(b)]

F.25 For all sources not required to have continuous emissions monitors, in the event of any malfunction of air pollution control equipment or system, process upset or other equipment failure which results in discharges of air contaminants lasting for one hour or more and which are greater than those discharges described for normal operation in the permit application shall be reported to the Department within four (4) hours after the beginning of the occurrence. The permittee shall also submit a written report within seven (7) days of the occurrence. The report shall contain as a minimum, the following: the identity of the emission unit and associated equipment where excess emissions occurred, the magnitude of excess emissions, the time and duration of excess emissions, the steps taken to remedy the malfunction and to prevent a recurrence, documentation that control equipment and processes were at all times maintained and operated, to the maximum extent practicable, in a manner that was consistent with good practice for minimizing emissions. Such a report shall in no way serve to excuse, otherwise justify, or in any manner affect any potential liability or enforcement action resulting from the occurrence.

#### F.26 Fee Assessment and Payment

E.26.1 The Permittee shall pay fees in accordance with the relevant provisions of the Amended and Restated Terminal Operating Agreement between the Government of the U.S. Virgin Islands and Limetree Bay Terminals, LLC.

#### E.27 Submissions

E.27.1 Reports, test data, monitoring data, notifications, annual certifications, and requests for revision and renewal shall be submitted to:

Director of the Virgin Islands Department of Planning and Natural Resources  
Environmental Protection Division  
45 Mars Hill

Frederiksted, St. Croix 00840-4474

E.27.2 Any records, compliance certifications, and monitoring data required by the provisions in this permit to be submitted to the EPA shall be sent to:

Director, Caribbean Environmental Protection Division  
U.S. Environmental Protection Agency  
Region 2 Office  
Centro Europa Building, Suite 417  
1492 Ponce De Leon Avenue  
Santurce, PR 00907-4127

E.27.3 Any application form, report, or compliance certification submitted pursuant to this permit shall contain a certification by a responsible official of its truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [VIRR 12-09-206-64(a)]

E.27.4 Unless otherwise specified, all submissions under this permit shall be submitted to the Division only