State of Montana
Department of Environmental Quality
Helena, Montana 59620

AIR QUALITY OPERATING PERMIT NUMBER OP2428-04

Administrative Amendment Request Received: **June 12, 2003**
Date of Decision on Administrative Amendment: **July 24, 2003**
Effective Date: **August 25, 2003**

Expiration Date: **July 14, 2004**
AFS Number: **030- 025-0001A**

In accordance with the Montana Code Annotated sections 75-2-217 and 218, and Administrative Rules of Montana (ARM), Title 17, Chapter 8, Subchapter 12, Operating Permit Program, ARM 17.8.1201, *et seq.*,

NorthWestern Corporation
Main Line #1
40 East Broadway
Butte, Montana 59701

hereinafter referred to as "NorthWestern," is authorized to operate a stationary source of air contaminants consisting of the emission units described in this permit. Until this permit expires, is modified or revoked, the permittee is allowed to discharge air pollutants in accordance with the conditions of this permit. All conditions in this permit are federally and state enforceable, unless otherwise specified. Requirements that are only state enforceable are identified in the permit. A copy of this permit must be kept on site at the above-named facility.

Issued by the Department of Environmental Quality

_____ ___/___/___
Signature Date

Permit Issuance and Appeal Processes: Pursuant to ARM 17.8.1210(j), the Montana Department of Environmental Quality's (Department) decision regarding issuance of this operating permit is not effective until 30 days have elapsed from the date of the decision. The decision may be appealed to the Board of Environmental Review (Board) by filing a request for hearing within 30 days (August 23, 2003) after the date of decision. The filing of a timely request for a hearing postpones the effective date of the Department's decision until the Board issues a final decision. If no appeal is filed, the Department will send a notification and final permit cover page to be attached to this document stating that the permit is effective (to the permittee, EPA, and any interested person requesting a copy). Questions regarding the effective date, final issuance date, and status of appeals should be directed to the Department.

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Terms not otherwise defined in this permit or in the Definitions and Abbreviations Appendix of this permit have the meaning assigned to them in the referenced regulations.

SECTION I. GENERAL INFORMATION

The following general information is provided pursuant to ARM 17.8.1210(1).

Company Name: **NorthWestern Corporation**

Mailing Address: **40 East Broadway**

City: **Butte** State: **Montana** Zip: **59701**

Plant Location: **South ½ of Section 22, Township 33 North, Range 5 West in Glacier County, Montana**

Responsible Official: **Dave Gates** Phone: **(406) 497-2164**

Facility Contact Person: **Rick Walsh** Phone: **(406) 497-3917**

Primary SIC Code: **4922**

Nature of Business: **Natural gas liquids production and transmission.**

Description of Process: **Field gas is piped to the station and is brought up to the required pressure for the system. The liquids plant at the facility separates propane, butane, gasoline, and water from the incoming gas lines before pressurizing the gas for distribution. The second purpose of the complex is to send the field gas from the complex to the transmission network.**

SECTION II. SUMMARY OF EMISSION UNITS

The emission units regulated by this permit are the following (ARM 17.8.1211):

Emissions Unit ID	Description	Pollution Control Device/Practice
EU001	660-Hp Ingersoll-Rand Compressor Engine	Catalytic Converter with AFR
EU002	660-Hp Ingersoll-Rand Compressor Engine	Catalytic Converter with AFR
EU003	660-Hp Ingersoll-Rand Compressor Engine	Catalytic Converter with AFR
EU004	1,100-Hp Cooper Superior Compressor Engine	Lean Burn Combustion Design
EU005	2,000-Hp Copper Superior Compressor Engine	Lean Burn Combustion Design
EU006	1,100-Hp Cooper Superior Compressor Engine	Lean Burn Combustion Design
EU007	1,100-Hp Cooper Superior Compressor Engine	Lean Burn Combustion Design
EU008	2,000-Hp Copper Superior Compressor Engine	Lean Burn Combustion Design
EU009	1,100-Hp Cooper Superior Compressor Engine	Lean Burn Combustion Design
EU010	Glycol Dehydrator Unit and Associated Equipment (piping, valves, flanges, etc.)	None
EU011	Two Natural Gas Storage Tanks with Vents	None
EU012	Auxiliary Generator	None
EU013	Smart Ash Burner	None
EU014	Flare	None
EU015	2,370-Hp Caterpillar Compressor Engine	Lean Burn Combustion Design
EU016	Pipeline Construction/Apiary Sites	N/A
EU017	Pipeline Construction/Warm Springs Pond Superfund Site	N/A
EU018	Pipeline Construction/Topsoil Salvage	N/A
EU019	Pipeline Construction/Multiple Horizon Soil Salvage	N/A
EU020	Pipeline Construction/Soil Compaction Minimization	N/A
EU021	Pipeline Construction/Temporary Access Roads	N/A
EU022	Pipeline Construction/Reseeding	N/A
EU023	Pipeline Construction/Temporary Cover of Disturbed Areas	N/A
EU024	Pipeline Construction/Minimize Vegetation Cleanup	N/A
EU025	Pipeline Construction/Revegetation Reclamation	N/A
EU026	Pipeline Construction/Botanical Surveys	N/A
EU027	Pipeline Construction/Special-Status Plants	N/A
EU028	Pipeline Construction/Contractor Compliance	N/A
EU029	Pipeline Construction/Vehicle and Equipment Pollution	N/A
EU030	Pipeline Construction/Big Game Avoidance	N/A

SECTION III. PERMIT CONDITIONS

The following requirements and conditions are applicable to the facility or to specific emission units located at the facility (ARM 17.8.1211,1212, and 1213).

A. Facility-Wide

Condition	Rule Citation	Rule Description	Pollutant/Parameter	Limit
A.1	ARM 17.8.304(1)	Visible Air Contaminants	Opacity	40%
A.2	ARM 17.8.304(2)	Visible Air Contaminants	Opacity	20%
A.3	ARM 17.8.308(1)	Particulate Matter, Airborne	Fugitive Opacity	20%
A.4	ARM 17.8.308(2)	Particulate Matter, Airborne	Reasonable Precaution	-------
A.5	ARM 17.8.308	Particulate Matter, Airborne	Reasonable Precaution Construction	20%
A.6	ARM 17.8.309	Particulate Matter ,Fuel Burning Equipment	Particulate Matter	$E= 0.882 * H^{-0.1664}$ or $E=1.026 * H^{-0.233}$
A.7	ARM 17.8.322(4)	Sulfur Oxide Emissions, Sulfur in Fuel	Sulfur in Fuel (liquid)	$\frac{1 lb}{\text{million Btu fired}}$
A.8	ARM 17.8.322(5)	Sulfur Oxide Emissions, Sulfur in Fuel	Sulfur in Fuel (gaseous)	50 gr/100 CF
A.9	ARM 17.8.1212	Reporting Requirements	Compliance Monitoring	-----
A.10	ARM 17.8.1207	Reporting Requirements	Annual Certification	-----

Conditions

A.1. Pursuant to ARM 17.8.304(1), NorthWestern shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed on or before November 23, 1968, that exhibit an opacity of 40% or greater averaged over 6 consecutive minutes unless otherwise specified by rule or in this permit.

A.2. NorthWestern shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit (ARM 17.8.304(2)).

A.3. NorthWestern shall not cause or authorize the production, handling, transportation, or storage of any material unless reasonable precautions to control emissions of particulate matter are taken. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit (ARM 17.8.308(1)).

A.4. NorthWestern shall not cause or authorize the use of any street, road or parking lot without taking reasonable precautions to control emissions of airborne particulate matter, unless otherwise specified by rule or in this permit (ARM 17.8.308(2)).

A.5. NorthWestern shall not operate a construction site or demolition project unless reasonable precautions are taken to control emissions of airborne particulate matter. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20% or greater average over 6 consecutive minutes, unless otherwise specified by rule or in this permit (ARM 17.8.308).

A.6. Unless otherwise specified by rule or in this permit, NorthWestern shall not cause or authorize particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the outdoor atmosphere in excess of the maximum allowable emissions of particulate matter for existing fuel burning equipment and new fuel burning equipment calculated using the following equations (ARM 17.8.309):

For existing fuel burning equipment (installed before November 23, 1968): $E = 0.882 * H^{-0.1664}$

For new fuel burning equipment (installed on or after November 23, 1968): $E = 1.026 * H^{-0.233}$

Where H is the heat input capacity in MMBtu per hour and E is the maximum allowable particulate emissions rate in lbs. per MMBtu.

A.7. NorthWestern shall not burn any liquid or solid fuels containing sulfur in excess of one pound of sulfur per million Btu fired ARM (17.8.322(4)).

A.8. NorthWestern shall not burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, unless otherwise specified by rule or in this permit (ARM 17.8.322(5)).

Reporting

A.9. On or before January 31 and July 31 of each year, NorthWestern submit to the Department the compliance monitoring reports required by Section V.D. These reports must contain all information required by Section V.D, as well as the information required by each individual emissions unit. For the reports due by January 31 of each year, NorthWestern may submit a single report, provided that it contains all the information required by Section V.B & V.D. Per ARM 17.8.1207,

> *any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12 (including semiannual monitoring reports), shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12, shall state that,* ***"based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete."***

A.10. By January 31 of each year, NorthWestern shall submit to the Department the compliance certification report required by Section V.B. The annual certification report required by Section V.B must include a statement of compliance based on the information available, which identifies any observed, documented or otherwise known instance of noncompliance for each applicable requirement. Per ARM 17.8.1207,

> *any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12 (including annual certifications), shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12, shall state that,* ***"based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete."***

B. EU001, EU002, and EU003 – 660-Hp Ingersoll-Rand Compressor Engines

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
B.1, B.9, B.13, B.17	Opacity	20%	Burning pipeline quality natural gas	Ongoing	Semi-Annual
B.2, B.9, B.13, B.17	Particulate from fuel combustion	$E=1.026*H^{-0.233}$	Burning pipeline quality natural gas	Ongoing	Semi-Annual
B.3, B.9, B.13, B.17	Sulfur compounds in fuel (gaseous)	50 grains / 100 SCF	Burning pipeline quality natural gas	Ongoing	Semi-Annual
B.4, B.10, B.14, B.17	NO_x	2.91 lb/hr	Portable analyzer	Semi-Annual	Semi-Annual
B.5, B.10, B.14, B.17	CO	4.37 lb/hr	Portable analyzer	Semi-Annual	Semi-Annual
B.6, B.9, B.13, B.17	VOC	1.09 lb/hr	Pipeline quality natural gas	Ongoing	Semi-Annual
B.7, B.11, B.15, B.17	Hours of operation	Total combined hours of operation of 24,495 hours on a 12-month rolling period	Log hours of operation and total hours for the three 660-Hp Ingersoll-Rand compressor engines	Monthly	Semi-Annual
B.8, B.12, B.16, B.17	Emissions control	Operate and maintain catalytic converters	Verification	Semi-Annual	Semi-Annual

Conditions

B.1. NorthWestern shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).

B.2. NorthWestern shall not cause or authorize particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the outdoor atmosphere in excess of $E = 1.026 * H^{0.233}$ for new fuel burning equipment, where: H= heat input capacity in MMBtu/hr and E = maximum allowable emission rate in lb/MMBtu (ARM 17.8.309).

B.3. NorthWestern shall not burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 standard cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions (ARM 17.8.322(5)).

B.4. NO_x emissions from each of the three 660-Hp Ingersoll-Rand compressor engines shall not exceed 2.91 lb/hr (ARM 17.8.715).

B.5. CO emissions from each of the three 660-Hp Ingersoll-Rand compressor engines shall not exceed 4.37 lb/hr (ARM 17.8.715).

B.6. VOC emissions from each of the three 660-Hp Ingersoll-Rand compressor engines shall not exceed 1.09 lb/hr (ARM 17.8.715).

B.7. The combined total hours of operation of the three 660-Hp Ingersoll-Rand compressor engines shall be limited to a maximum of 24,495 hours during any 12-month rolling time period (ARM 17.8.710).

B.8. NorthWestern shall operate and maintain catalytic converters on the three 660-Hp Ingersoll-Rand compressor engines (ARM 17.8.710).

Compliance Demonstration

B.9. Monitoring compliance with the opacity, particulate from fuel combustion, sulfur compounds in fuel requirements (gaseous), and VOC limitation requirements (Sections III.B.1, III.B.2, III.B.3, and III.B.6) may be satisfied by burning pipeline quality natural gas on an ongoing basis (ARM 17.8.1213).

B.10. Semi-annually or whenever changes are made that may cause emissions to exceed permitted levels, NorthWestern shall conduct an emissions test with a portable analyzer in order to monitor the NO_x and CO emissions from the compressor engines. The portable analyzer shall be capable of achieving performance specifications equivalent to EPA traditional methods defined in 40 CFR 60, Appendix A, or shall be capable of meeting the requirements of EPA Conditional Test Method 022 for the "Determination of Nitric Oxide, Nitrogen Dioxide, and NO_x Emissions from Stationary Combustion Sources by Electrochemical Analyzer." NorthWestern may use another testing procedure as approved in advance by the Department. All compliance tests must be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106). NorthWestern shall monitor compliance with the NO_x and CO limitations in Sections III.B.4 and III.B.5 for the compressor engines by converting the emissions test results (ppm) to a mass emissions rate (lb/hr). Stack gas flow rates shall be determined using EPA Test Methods in 40 CFR 60, Appendix A (ARM 17.8.1213).

B.11. Monitoring compliance with the combined hours of operation requirements shall be monitored by logging the hours of operation of each of the 660-Hp Ingersoll-Rand compressor engines and keeping the combined total hours of operation below 24,495 hours on a rolling 12-month period (ARM 17.8.1213).

B.12. Monitoring compliance with the emission control requirements shall be satisfied by installing and maintaining catalytic converters on each of the three 660-Hp Ingersoll-Rand compressor engines. NorthWestern shall semi-annually verify that catalytic converters are installed and maintained on each of the three 660-Hp Ingersoll-Rand compressor engines (ARM 17.8.1213).

Recordkeeping

B.13. NorthWestern shall maintain a record verifying that only pipeline quality natural gas was used in each of the 660-Hp Ingersoll-Rand compressor engines to monitor compliance with Sections III.B.1, III.B.2, III.B.3, and III.B.6 (ARM 17.8.1212).

B.14. During the emissions test with the portable analyzer, monitoring compliance with Sections III.B.4 and III.B.5, NorthWestern shall record, at a minimum, the following information for each of the three 660-Hp Ingersoll-Rand compressor engines and the portable analyzer (ARM 17.8.1212):

a. Facility name and location
b. Test date
c. Name, company, and signature of technician(s) performing the test
d. Emissions unit number
e. Engine make, model and serial number
f. Rated horsepower

g. Fuel consumption rate (metered or estimated)
h. Engine operating parameters
i. Compressor make, model and serial number
j. Suction pressure and temperature
k. Discharge pressure and temperature
l. Portable analyzer make, model and serial number
m. Calibration procedure and data
n. Test procedure and data
o. Original test strip-chart and/or original data print out
p. EPA test method calculations

B.15. NorthWestern shall log, by month, the hours of operation of each of the three 660-Hp Ingersoll-Rand compressor engines. In addition, NorthWestern shall, monthly, sum the total hours of operation of the three 660-Hp Ingersoll-Rand compressor engines for the previous rolling 12-month time period (ARM 17.8.1212).

B.16. NorthWestern shall maintain a record verifying that catalytic converters were operated and maintained on each of the 660-Hp Ingersoll-Rand compressor engines to monitor compliance with Section III.B.8 (ARM 17.8.1212).

Reporting

B.17. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall provide (ARM 17.8.1212):

a. Verification that only pipeline-quality natural gas was used on an ongoing basis as required by Section III.B.9

b. A summary of the emissions test data and emission calculations as required by Section III.B.10

c. A summary of the hours of operation for each of the three 660-Hp Ingersoll-Rand compressor engines, including the combined total hours of operation of the three engines on a rolling 12-month basis required by Section III.B.11

d. Verification that the catalytic converters were operated and maintained as required by Section III.B.12

C. EU004, EU006, EU007, and EU009 – 1,100-Hp Cooper Superior Compressor Engines

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
C.1, C.7, C.9, C.11	Opacity	20%	Burning pipeline quality natural gas	Ongoing	Semi-Annual
C.2, C.7, C.9, C.11	Particulate from fuel combustion	$E=1.026*H^{-0.233}$	Burning pipeline quality natural gas	Ongoing	Semi-Annual
C.3, C.7, C.9, C.11	Sulfur compounds in fuel (gaseous)	50 grains / 100 SCF	Burning pipeline quality natural gas	Ongoing	Semi-Annual
C.4, C.8, C.10, C.11	NO_x	4.85 lb/hr	Portable analyzer	Semi-Annual	Semi-Annual
C.5, C.8, C.10, C.11	CO	7.28 lb/hr	Portable analyzer	Semi-Annual	Semi-Annual
C.6, C.7, C.9, C.11	VOC	1.82 lb/hr	Burning pipeline quality natural gas	Ongoing	Semi-Annual

Conditions

C.1. NorthWestern shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).

C.2. NorthWestern shall not cause or authorize particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the outdoor atmosphere in excess of $E = 1.026 * H^{-0.233}$ for new fuel burning equipment, where: H = heat input capacity in MMBtu/hr and E = maximum allowable emission rate in lb/MMBtu (ARM 17.8.309).

C.3. NorthWestern shall not burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 standard cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions (ARM 17.8.322(5)).

C.4. NO_x emissions from each of the four 1,100-Hp Cooper-Superior compressor engines shall not exceed 4.85 lb/hr (ARM 17.8.715).

C.5. CO emissions from each of the four 1,100-Hp Cooper-Superior compressor engines shall not exceed 7.28 lb/hr (ARM 17.8.715).

C.6. VOC emissions from each of the four 1,100-Hp Cooper-Superior compressor engines shall not exceed 1.82 lb/hr (ARM 17.8.715).

Compliance Demonstration

C.7. Monitoring compliance with the opacity, particulate from fuel combustion, sulfur compounds in fuel requirements (gaseous), and VOC limitation requirements (Sections III.C.1, III.C.2, III.C.3, and III.C.6) may be satisfied by burning pipeline quality natural gas on an ongoing basis (ARM 17.8.1213).

C.8. Semi-annually or whenever changes are made which may cause emissions to exceed permitted levels, NorthWestern shall conduct an emissions test with a portable analyzer in order to monitor the NO_x and CO emissions from the compressor engines. The portable analyzer shall be capable

of achieving performance specifications equivalent to EPA traditional methods defined in 40 CFR 60, Appendix A, or shall be capable of meeting the requirements of EPA Conditional Test Method 022 for the "Determination of Nitric Oxide, Nitrogen Dioxide, and NO_x Emissions from Stationary Combustion Sources by Electrochemical Analyzer." NorthWestern may use another testing procedure as approved in advance by the Department. All compliance tests must be conducted in accordance to the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106). NorthWestern shall monitor compliance with the NO_x and CO limitations in Sections III.C.4 and III.C.5 for the compressor engine by converting the emissions test results (ppm) to a mass emissions rate (lb/hr). Stack gas flow rates shall be determined using EPA Test Methods in 40 CFR 60, Appendix A (ARM 17.8.1213).

Recordkeeping

C.9. NorthWestern shall maintain a record verifying that only pipeline quality natural gas was used in each of the four 1,100-Hp Cooper Superior compressor engines to monitor compliance with Sections III.C.1, III.C.2, III.C.3, and III.C.6 (ARM 17.8.1212).

C.10. During the emissions test with the portable analyzer, monitoring compliance with Sections III.C.4 and III.C.5, NorthWestern shall record, at a minimum, the following information for the compressor engine and portable analyzer (ARM 17.8.1212):

a. Facility name and location
b. Test date
c. Name, company, and signature of technician(s) performing the test
d. Emissions unit number
e. Engine make, model and serial number
f. Rated horsepower
g. Fuel consumption rate (metered or estimated)
h. Engine operating parameters
i. Compressor make, model and serial number
j. Suction pressure and temperature
k. Discharge pressure and temperature
l. Portable analyzer make, model and serial number
m. Calibration procedure and data
n. Test procedure and data
o. Original test strip-chart and/or original data print out
p. EPA Test Method calculations

Reporting

C.11. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall provide (ARM 17.8.1212):

a. Verification that only pipeline quality natural gas was used on an ongoing basis as required by Section III.C.7

b. A summary of the emissions test data and emission calculations as required by Section III.C.8

D. EU005 and EU008 – 2,000-Hp Cooper Superior Compressor Engines

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
D.1, D.7, D.9, D.11	Opacity	20%	Burning pipeline quality natural gas	Ongoing	Semi-Annual
D.2, D.7, D.9, D.11	Particulate from fuel combustion	$E=1.026*H^{-0.233}$	Burning pipeline quality natural gas	Ongoing	Semi-Annual
D.3, D.7, D.9, D.11	Sulfur compounds in fuel (gaseous)	50 grains / 100 SCF	Burning pipeline quality natural gas	Ongoing	Semi-Annual
D.4, D.8, D.10, D.11	NO_x	6.61 lb/hr	Portable analyzer	Semi-Annual	Semi-Annual
D.5, D.8, D.10, D.11	CO	7.05 lb/hr	Portable analyzer	Semi-Annual	Semi-Annual
D.6, D.7, D.9, D.11	VOC	2.65 lb/hr	Burning pipeline quality natural gas	Ongoing	Semi-Annual

Conditions

D.1. NorthWestern shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).

D.2. NorthWestern shall not cause or authorize particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the outdoor atmosphere in excess of $E = 1.026 * H^{-0.233}$ for new fuel burning equipment, where: H = heat input capacity in MMBtu/hr and E = maximum allowable emission rate in lb/MMBtu (ARM 17.8.309).

D.3. NorthWestern shall not burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 standard cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions (ARM 17.8.322(5)).

D.4. NO_x emissions from each of the two 2,000-Hp Cooper-Superior compressor engines shall not exceed 6.61 lb/hr (ARM 17.8.715).

D.5. CO emissions from each of the two 2,000-Hp Cooper-Superior compressor engines shall not exceed 7.05 lb/hr (ARM 17.8.715).

D.6. VOC emissions from each of the two 2,000-Hp Cooper-Superior compressor engines shall not exceed 2.65 lb/hr (ARM 17.8.715).

Compliance Demonstration

D.7. Monitoring compliance with the opacity, particulate from fuel combustion, sulfur compounds in fuel requirements (gaseous), and VOC limitation requirements (Sections III.D.1, III.D.2, III.D.3, and III.D.6) may be satisfied by burning pipeline-quality natural gas on an ongoing basis (ARM 17.8.1213).

D.8. Semi-annually, or whenever changes are made which may cause emissions to exceed permitted levels, NorthWestern shall conduct an emissions test with a portable analyzer in order to monitor the NO_x and CO emissions from the compressor engines. The portable analyzer shall be capable

of achieving performance specifications equivalent to EPA traditional methods defined in 40 CFR 60, Appendix A, or shall be capable of meeting the requirements of EPA Conditional Test Method 022 for the "Determination of Nitric Oxide, Nitrogen Dioxide, and NO_x Emissions from Stationary Combustion Sources by Electrochemical Analyzer." NorthWestern may use another testing procedure as approved in advance by the Department. All compliance tests must be conducted in accordance to the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106). NorthWestern shall monitor compliance with the NO_x and CO limitations in Sections III.D.4 and III.D.5 for the compressor engine by converting the emissions test results (ppm) to a mass emissions rate (lb/hr). Stack gas flow rates shall be determined using EPA Test Methods in 40 CFR 60, Appendix A (ARM 17.8.1213).

Recordkeeping

D.9. NorthWestern shall maintain a record verifying that only pipeline quality natural gas was used in each of the two 2,000-Hp Cooper Superior compressor engines to monitor compliance with Sections III.D.1, III.D.2, III.D.3, and III.D.6 (ARM 17.8.1212).

D.10. During the emissions test with the portable analyzer, monitoring compliance with Sections III.D.4 and III.D.5, NorthWestern shall record, at a minimum, the following information for the compressor engine and portable analyzer (ARM 17.8.1212):

a. Facility name and location
b. Test date
c. Name, company, and signature of technician(s) performing the test
d. Emissions unit number
e. Engine make, model and serial number
f. Rated horsepower
g. Fuel consumption rate (metered or estimated)
h. Engine operating parameters
i. Compressor make, model and serial number
j. Suction pressure and temperature
k. Discharge pressure and temperature
l. Portable analyzer make, model and serial number
m. Calibration procedure and data
n. Test procedure and data
o. Original test strip-chart and/or original data print out
p. EPA Test Method calculations

Reporting

D.11. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall provide (ARM 17.8.1212):

a. Verification that only pipeline quality natural gas was used on an ongoing basis as required by Section III.D.7

b. A summary of the emissions test data and emission calculations as required by Section III.D.8

E. EU010 – Glycol Dehydration Unit and Associated Equipment (piping, valves, flanges, etc.)

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
E.1, E.5, E.7, E.9	Opacity	20%	Burning pipeline quality natural gas	Ongoing	Semi-Annual
E.2, E.5, E.7, E.9	Particulate from fuel combustion	$E=1.026*H^{-0.233}$	Burning pipeline quality natural gas	Ongoing	Semi-Annual
E.3, E.5, E.7, E.9	Sulfur compounds in fuel (gaseous)	50 grains / 100 SCF	Burning pipeline quality natural gas	Ongoing	Semi-Annual
E.4, E.6, E.8, E.9	VOC equipment leaks from piping, valves, and flanges	Subpart KKK	Subpart KKK	Subpart KKK	Subpart KKK

Conditions

E.1. NorthWestern shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).

E.2. NorthWestern shall not cause or authorize particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the outdoor atmosphere in excess of $E = 1.026 * H^{-0.233}$ for new fuel burning equipment, where: H = heat input capacity in MMBtu/hr and E = maximum allowable emission rate in lb/MMBtu (ARM 17.8.309).

E.3. NorthWestern shall not burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 standard cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions (ARM 17.8.322(5)).

E.4. For the piping, valves, and flanges, subject to NSPS requirements, NorthWestern shall comply with all applicable standards, limitations, and requirements (reporting, record keeping, and notification) as required by 40 CFR Part 60, Subpart KKK – Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants (ARM 17.8.340 and 40 CFR Part 60, Subpart KKK).

Compliance Demonstration

E.5. Monitoring compliance with the opacity, particulate from fuel combustion, and sulfur compounds in fuel requirements (gaseous) (Sections III.E.1, III.E.2, and III.E.3) may be satisfied by burning pipeline quality natural gas on an ongoing basis (ARM 17.8.1213).

E.6. NorthWestern shall monitor compliance with the requirements of Section III.E.4 as required by 40 CFR Part 60, Subpart KKK (Appendix F of this permit) (ARM 17.8.340 and 40 CFR 60, Subpart KKK).

Recordkeeping

E.7. NorthWestern shall maintain a record verifying that only pipeline quality natural gas was used in the dehydrator to monitor compliance with Sections III.E.1, III.E.2, and III.E.3 (ARM 17.8.1212).

E.8. NorthWestern shall maintain records in accordance with the recordkeeping requirements of 40 CFR Part 60, Subpart KKK (Appendix F of this permit) (ARM 17.8.340 and 40 CFR 60, Subpart KKK).

Reporting

E.9. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall provide (ARM 17.8.1212):

a. Verification that only pipeline quality natural gas was used on an ongoing basis as required by Section III.E.5

b. A summary of all recordkeeping as required by 40 CFR Part 60, Subpart KKK (40 CFR 60.636)

F. EU011 – Natural Gas Tanks (2) with Vents

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
F.1, F.2, F.3, F.4	Opacity	20%	Method 9	As required by the Department	Semi-Annual

Conditions

F.1. NorthWestern shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).

Compliance Demonstration

F.2. Monitoring compliance with the opacity requirements may be satisfied by conducting a Method 9 test as required by the Department for visual opacity (ARM 17.8.1213).

Recordkeeping

F.3. Method 9 test reports must be maintained on site and must be submitted to the Department upon request (ARM 17.8.1212).

Reporting

F.4. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall include the results of any Method 9 test that was required by the Department during the reporting period (ARM 17.8.1212).

G. EU012 – Auxiliary Generator

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
G.1, G.5, G.9, G.12	Opacity	20%	Method 9	As required by the Department	Semi-Annual
G.2, G.6, G.10, G.12	Particulate from fuel combustion	$E=1.026*H^{-0.233}$	Burning distillate fuel (diesel fuel)	Ongoing	Semi-Annual
G.3, G.7, G.10, G.12	Sulfur compounds in fuel (liquids)	1 pound per million Btu fired	Burning distillate fuel (diesel fuel)	Ongoing	Semi-Annual
G.4, G.8, G.11, G.12	Hours of operation	720 hours during any rolling 12-month time period	Log the hours of operation	Monthly	Semi-Annual

Conditions

G.1. NorthWestern shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).

G.2. NorthWestern shall not cause or authorize particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the outdoor atmosphere in excess of $E = 1.026 * H^{-0.233}$ for new fuel burning equipment, where: H = heat input capacity in MMBtu/hr and E = maximum allowable emission rate in lbs/MMBtu (ARM 17.8.309).

G.3. NorthWestern shall not burn any liquid fuel containing sulfur compounds in excess of 1 pound per million Btu of liquid fired (ARM 17.8.322(4)).

G.4. The auxiliary generator shall be limited to a maximum of 720 hours of operation during any rolling 12-month time period (ARM 17.8.710).

Compliance Demonstration

G.5. Monitoring compliance with the opacity requirement (Section III.G.1) may be satisfied by conducting a Method 9 test as required by the Department for visual opacity (ARM 17.8.1213).

G.6. Monitoring compliance with the particulate from fuel combustion requirement (Section III.G.2) may be satisfied by burning distillate (diesel) fuel on an ongoing basis (ARM 17.8.1213).

G.7. Monitoring compliance with the sulfur compounds in fuel (liquids) requirements (Section III.G.3), may be satisfied by burning distillate fuel on an ongoing basis (ARM 17.8.1213).

G.8. Monitoring compliance with the hours of operation limitation (Section III.G.4) may be demonstrated by logging the hours of operation of the auxiliary generator and keeping the total hours of operation at or below 720 hours for any rolling 12-month time period (ARM 17.8.1213).

Recordkeeping

G.9. Method 9 test reports must be maintained on site and must be submitted to the Department upon request (ARM 17.8.1212).

G.10. NorthWestern shall maintain a record verifying that only distillate fuel was used in the auxiliary generator to monitor compliance with Sections III.G.2 and III.G.3 (ARM 17.8.1212).

G.11. NorthWestern shall log, by month, the hours of operation of the auxiliary generator. In addition, NorthWestern shall, monthly, sum the total hours of operation of the auxiliary generator for the previous rolling 12-month time period (ARM 17.8.1212).

Reporting

G.12. The annual compliance certification report required by Section V.B. must contain a certification for the above applicable requirements. The semi-annual report shall provide (ARM 17.8.1212):

a. A summary of the results of any Method 9 source test that was required by the Department during the reporting period

b. Verification that the test reports are maintained on site and submitted to the Department upon request

c. Verification that distillate (diesel) was used on an ongoing basis

d. Verification that the hourly operational limit in Section III.G.4 has not been exceeded during the reporting period

H. EU013 – Smart Ash Burner

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
H.1, H.3, H.5, H.7	Opacity	20%	Method 9	As required by the Department	Semi-Annual
H.2, H.4, H.6, H.7	Burner	Oil soaked rags, oil adsorbents, and filters	Log	While burning	Semi-Annual

Conditions

H.1. NorthWestern shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).

H.2. NorthWestern shall not incinerate any material other than oil soaked rags, oil adsorbents, and filters in the Smart Ash Burner (ARM 17.8.710).

Compliance Demonstration

H.3. NorthWestern shall perform a Method 9 test, as required by the Department, to monitor compliance with the opacity limitation (ARM 17.8.1213).

H.4. NorthWestern shall maintain a log of material burned and date and time that the Smart Ash Burner is used to monitor compliance with Section III.H.2 (ARM 17.8.1213).

Recordkeeping

H.5. Method 9 test reports must be maintained on site and must be submitted to the Department upon request (ARM 17.8.1212).

H.6. NorthWestern shall maintain the log on-site as required by Section III.H.4 (ARM 17.8.1212).

Reporting

H.7. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall provide (ARM 17.8.1212):

a. A summary of the results of any Method 9 test that is required by the Department during the reporting period

b. A summary of the log (the material burned and date and time that the Smart Ash Burner was used) to demonstrate compliance with Section III.H.4

I. EU014 – Flare

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
I.1, I.2, I.3, I.4	Opacity	20%	Method 9	As required by the Department	Semi-Annual

Conditions

I.1. NorthWestern shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibits an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).

Compliance Demonstration

I.2. Monitoring compliance with the opacity requirements may be satisfied by conducting a Method 9 test as required by the Department for visual opacity (ARM 17.8.1213).

Recordkeeping

I.3. Method 9 test reports must be maintained on-site and must be submitted to the Department upon request (ARM 17.8.1212).

Reporting

I.4. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall include the results of any Method 9 test that was required by the Department during the period (ARM 17.8.1212).

J. EU015 – 2,370-Hp Caterpillar Compressor Engine

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
J.1, J.7, J.9, J.11	Opacity	20%	Burning pipeline quality natural gas	Ongoing	Semi-Annual
J.2, J.7, J.9, J.11	Particulate from fuel combustion	$E=1.026 * H^{-0.233}$	Burning pipeline quality natural gas	Ongoing	Semi-Annual
J.3, J.7, J.9, J.11	Sulfur compounds in fuel (gaseous)	50 grains / 100 SCF	Burning pipeline quality natural gas	Ongoing	Semi-Annual
J.4, J.8, J.10, J.11	NO_x	2.91 lb/hr	Portable analyzer	Semi-Annual	Semi-Annual
J.5, J.8, J.10, J.11	CO	4.37 lb/hr	Portable analyzer	Semi-Annual	Semi-Annual
J.6, J.7, J.9, J.11	VOC	1.09 lb/hr	Burning pipeline quality natural gas	Ongoing	Semi-Annual

Conditions

J.1. NorthWestern shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).

J.2. NorthWestern shall not cause or authorize particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the outdoor atmosphere in excess of $E = 1.026 * H^{-0.233}$ for new fuel burning equipment, where: H = heat input capacity in MMBtu/hr and E = maximum allowable emission rate in lb/MMBtu (ARM 17.8.309).

J.3. NorthWestern shall not burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 standard cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions (ARM 17.8.322(5)).

J.4. NO_x emissions from the 2,370-Hp Caterpillar compressor engine shall not exceed 10.45 lb/hr (ARM 17.8.715).

J.5. CO emissions from the 2,370-Hp Caterpillar compressor engine shall not exceed 15.68 lb/hr (ARM 17.8.715).

J.6. VOC emissions from the 2,370-Hp Caterpillar compressor engine shall not exceed 5.23 lb/hr (ARM 17.8.715).

Compliance Demonstration

J.7. Monitoring compliance with the opacity, particulate from fuel combustion, sulfur compounds in fuel requirements (gaseous), and VOC limitation requirements (Sections III.J.1, III.J.2, III.J.3, and III.J.6) shall be satisfied by burning pipeline quality natural gas on an ongoing basis (ARM 17.8.1213).

J.8. Semi-annually or whenever changes are made which may cause emissions to exceed permitted levels, NorthWestern shall conduct an emissions test with a portable analyzer in order to monitor the NO_x and CO emissions from the compressor engine. The portable analyzer shall be capable

of achieving performance specifications equivalent to EPA traditional methods defined in 40 CFR 60, Appendix A, or shall be capable of meeting the requirements of EPA Conditional Test Method 022 for the "Determination of Nitric Oxide, Nitrogen Dioxide, and NO_x Emissions from Stationary Combustion Sources by Electrochemical Analyzer." NorthWestern may use another testing procedure as approved in advance by the Department. All compliance tests must be conducted in accordance to the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106). NorthWestern shall monitor compliance with the NO_x and CO limitations in Sections III.J.4 and III.J.5 for the compressor engine by converting the emissions test results (ppm) to a mass emissions rate (lb/hr). Stack gas flow rates shall be determined using EPA Test Methods in 40 CFR 60, Appendix A (ARM 17.8.1213).

Recordkeeping

J.9. NorthWestern shall maintain a record verifying that only pipeline quality natural gas was used to fire the 2,370-Hp Caterpillar compressor engine to monitor compliance with Sections III.J.1, III.J.2, III.J.3, and III.J.6 (ARM 17.8.1212).

J.10. During the emissions test with the portable analyzer, monitoring compliance with Section III.J.4 and III.J.5, NorthWestern shall record, at a minimum, the following information for the compressor engine and portable analyzer (ARM 17.8.1212):

a. Facility name and location
b. Test date
c. Name, company, and signature of technician(s) performing the test
d. Emissions unit number
e. Engine make, model and serial number
f. Rated horsepower
g. Fuel consumption rate (metered or estimated)
h. Engine operating parameters
i. Compressor make, model and serial number
j. Suction pressure and temperature
k. Discharge pressure and temperature
l. Portable analyzer make, model and serial number
m. Calibration procedure and data
n. Test procedure and data
o. Original test strip-chart and/or original data print out
p. EPA Test Method calculations

Reporting

J.11. The annual compliance certification report required by Section V.B. must contain a certification for the above applicable requirements. The semi-annual report shall provide (ARM 17.8.1212):

a. Verification that only pipeline-quality natural gas was used on an ongoing basis as required by Section III.J.7

b. A summary of the emissions test data and emission calculations as required by Section III.J.8

K. EU016 – Pipeline Construction/Apiary Sites

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
K.1, K.2, K.3, K.4	Construction activities conflicting with apiary sites.	Consult with beekeepers prior to construction of the pipeline.	Document	Ongoing	Semi-Annual

Conditions

K.1. NorthWestern shall coordinate between construction activities and beehive operators to relocate beehives that need to be situated in an area farther away from the construction activities prior to construction of the gas pipeline. Affected beehives may be moved within the same apiary site; however, ideally, beehives must be relocated to another registered apiary site during the period of pipeline construction (ARM 17.8.710 and § 75-1-201(5)(b), MCA).

Compliance Demonstration

K.2. NorthWestern shall maintain a log, with supporting documentation, of all consultations with beehive operators to monitor compliance with Section III.K.1. The documentation shall include the name of the beehive operator consulted and the date and conclusion of each consultation (ARM 17.8.1213).

Recordkeeping

K.3. NorthWestern shall maintain the documentation required by Section III.K.2 on-site (ARM 17.8.1212).

Reporting

K.4. The annual compliance certification report required by Section V.B. must contain a certification for the above applicable requirements. The semi-annual report shall provide (ARM 17.8.1212):

a. Verification that beehive operators were consulted about the relocation of beehives prior to construction of the pipeline

b. A summary of where the beehives were moved (whether to a new location within the same apiary site or to another registered apiary site)

L. EU017 – Pipeline Construction/Warm Springs Pond Superfund Site

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
L.1, L.2, L.3, L.4	Construction activities on the Warm Springs Pond Superfund Site.	Pipeline construction must be included in ARCO's long-term Management Plan.	Document	Each change to ARCO's long-term Management Plan.	Semi-Annual

Conditions

L.1. NorthWestern shall coordinate with ARCO to include pipeline construction in the ARCO long-term Management Plan for wildlife conservation at the Warm Springs Pond Superfund Site (ARM 17.8.710 and § 75-1-201(5)(b), MCA).

Compliance Demonstration

L.2. NorthWestern shall maintain documentation that includes a copy of the section of the ARCO long-term management plan that includes the plans for pipeline construction, including the date of the plan that is referenced to monitor compliance with Section III.L.1. The documentation shall be updated each time a change is made to the ARCO long-term Management Plan for wildlife conservation at the Warm Springs Pond Superfund Site (ARM 17.8.1213).

Recordkeeping

L.3. NorthWestern shall maintain the documentation required by Section III.L.2 on-site (ARM 17.8.1212).

Reporting

L.4. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall provide verification that pipeline construction is included in the ARCO long-term Management Plan for wildlife conservation at the Warm Springs Pond Superfund Site, and that the documentation was updated as appropriate (ARM 17.8.1212).

M. EU018, EU019, and EU020 – Pipeline Construction/Topsoil Salvage, Multiple Horizon Soil Salvage, and Soil Compaction Minimization

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
M.1, M.4, M.7, M.8	Topsoil salvage	Uppermost topsoil horizons(s) must be salvaged and stockpiled for reclamation coversoil after regrading and must, at a minimum, include all horizons dominated by organic material or containing an accumulation of organic matter to a depth of 12 inches.	Document	Ongoing	Semi-Annual
M.2, M.5, M.7, M.8	Topsoil/subsoil salvage	For agricultural lands, soil and salvage operations must include multiple horizons (i.e. topsoil and subsoil) salvaged separateley and replaced sequentially.	Document	Ongoing	Semi-Annual
M.3, M.6, M.7, M.8	Soil compaction minimization	All salvaged coversoil must be respread over the regraded trench using tracked equipment.	Document	Ongoing	Semi-Annual

Conditions

M.1. NorthWestern shall salvage the uppermost topsoil horizon(s) and stockpile the materials for reclamation coversoil after regrading. At a minimum, topsoil salvage depth must include all horizons dominated by organic material or containing an accumulation of organic matter to a depth of 12 inches (ARM 17.8.710 and § 75-1-201(5)(b), MCA).

M.2. For agricultural lands, NorthWestern shall salvage multiple horizons (i.e. topsoil and subsoil). The horizons must be salvaged separately and replaced sequentially to help mitigate the potential loss of soil productively (ARM 17.8.710 and § 75-1-201(5)(b), MCA).

M.3. NorthWestern shall respread all salvaged cover soil over the regraded trench using tracked equipment to minimize soil compaction (ARM 17.8.710 and § 75-1-201(5)(b), MCA).

Compliance Demonstration

M.4. NorthWestern shall maintain documentation that the uppermost topsoil horizon(s) are salvaged and stockpiled for reclamation coversoil after regrading to monitor compliance with Section III.M.1. The documentation shall include information that the minimum topsoil salvage depth included all horizons dominated by organic material or all horizons containing an accumulation of organic matter to a depth of 12 inches (ARM 17.8.1213).

M.5. NorthWestern shall maintain documentation that multiple horizons are salvaged on agricutural lands and documentation that the horizons are salvaged separately and replaced sequentially to monitor compliance with Section III.M.2 (ARM 17.8.1213).

M.6. NorthWestern shall maintain documentation that all salvaged coversoil is respread over the regraded trench using tracked equipment to monitor compliance with condition III.M.3 (ARM 17.8.1213).

Recordkeeping

M.7. NorthWestern shall maintain the documentation required by Sections III.M.4, III.M.5, and III.M.6 on-site (ARM 17.8.1212).

Reporting

M.8. The annual compliance certification report required by Section V.B. must contain a certification for the above applicable requirements. The semi-annual report shall provide (ARM 17.8.1213):

a. Verification that the uppermost topsoil horizon(s) were salvaged and stockpiled for reclamation coversoil after regrading

b. Verification that the minimum topsoil salvage depth included all horizons dominated by organic material or all horizons containing an accumulation of organic matter to a depth of 12 inches

c. Verification that multiple horizons were salvaged on agricultural lands and that the horizons were salvaged separately and replaced sequentially

d. Verification that all salvaged coversoil was respread over the regraded trench using tracked equipment

N. EU21 – Pipeline Construction/Temporary Access Roads

Condition(s)	Pollutant/ Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
N.1, N.2, N.3, N.4	Temporary access roads	Temporary access roads must be located, to the maximum degree, on soils outside of the 100-year flood plain.	Document	Ongoing	Semi-Annual

Conditions

N.1. NorthWestern shall construct temporary access roads, to the maximum degree, on soils located outside of the 100-year flood plain (ARM 17.8.710 and § 75-1-201 (5)(b), MCA).

Compliance Demonstration

N.2. NorthWestern shall maintain documentation that temporary access roads are constructed, to the maximum degree, on soils located outside of the 100-year flood plain to monitor compliance with Section III.N.1 (ARM 17.8.1213).

Recordkeeping

N.3. NorthWestern shall maintain the documentation required by Section III.N.2 on-site (ARM 17.8.1212).

Reporting

N.4. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall provide verification that temporary access roads are constructed, to the maximum degree, on soils located outside of the 100-year flood plain (ARM 17.8.1212).

O. EU022, EU23, EU24, EU25, EU26, and EU27 – Pipeline Construction/Reseeding, Temporary Cover of Disturbed Areas, Minimize Vegetation Cleanup, Revegetation Reclamation, Botanical Surveys, and Special Status Plants

Condition(s)	Pollutant/ Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
O.1, O.7, O.13, O.14	Reseeding	The weed control plan shall contain provisions that all disturbed areas will be reseeded with site-adapted seed mixtures and adequate seed rates of pure live seed in the first appropriate season (Spring or Fall) after construction and at the landowners' discretion. All disturbed areas that supported native vegetation shall be reseeded with native species.	Document	Ongoing	Semi-Annual
O.2, O.8, O.13, O.14	Temporary Cover of Disturbed Areas	For all construction completed by August 31, reseeding shall be completed in the same year or at the landowners' discretion.	Document	Ongoing	Semi-Annual
O.3, O.9, O.13, O.14	Minimize Vegetation Cleanup	Vegetation shall only be cleared from areas scheduled for immediate construction work and shall only be done for the width needed for active construction activities.	Document	Ongoing	Semi-Annual
O.4, O.10, O.13, O.14	Revegetation Reclamation	Revegetated areas shall be monitored and remedial revegetation shall be done, if necessary, until reclamation is successful.	Document	Ongoing	Semi-Annual
O.5, O.11, O.13, O.14	Botanical Surveys	Pre-construction botanical surveys (weed inventory) shall be performed for staging yards, contractor yards, and other associated facilities and mitigate if noxious weeds are not controlled in reclaimed areas.	Document	Ongoing	Semi-Annual
O.6, O.12, O.13, O.14	Special Status Plants	Narrowed right-of-ways or, where possible, minor reroutes shall be used to minimize or avoid impacts to special-status plant populations.	Document	Ongoing	Semi-Annual

Conditions

O.1. NorthWestern shall include provisions in the weed control plan that all disturbed areas will be reseeded with site-adapted seed mixtures and adequate seed rates of pure live seed in the first appropriate season (Spring or Fall) after construction and at the landowners' discretion. In addition, all disturbed areas that supported native vegetation shall be revegetated with native species (ARM 17.8.710 and § 75-1-201 (5)(b), MCA).

O.2. NorthWestern shall reseed in the same year for all construction completed by August 31, or at landowners' discretion (ARM 17.8.710 and § 75-1-201 (5)(b), MCA).

O.3. NorthWestern shall only clear existing vegetation from areas that are scheduled for immediate construction work and the clearing shall only be done for the width needed for active construction activities (ARM 17.8.710 and § 75-1-201 (5)(b), MCA).

O.4. NorthWestern shall monitor revegetated areas and shall perform remedial revegetation, if necessary, until reclamation is successful (ARM 17.8.710 and § 75-1-201 (5)(b), MCA).

O.5. NorthWestern shall perform pre-construction botanical surveys (weed inventory) of staging yards, contractor yards, and other associated facilities and mitigate if noxious weeds are not controlled in reclaimed areas (ARM 17.8.710 and § 75-1-201 (5)(b), MCA).

O.6. NorthWestern shall use narrowed right-of-way or, where possible, minor reroutes to minimize or avoid impacts to special-status plant populations (ARM 17.8.710 and § 75-1-201 (5)(b), MCA).

Compliance Demonstration

O.7. NorthWestern shall maintain documentation that the weed control plan contains provisions that all disturbed areas will be reseeded with site-adapted seed mixtures and adequate seed rates of pure live seed in the first appropriate season (Spring or Fall) after construction and at the landowners' discretion to monitor compliance with Section III.O.1. In addition, NorthWestern shall maintain documentation that all disturbed areas that supported native vegetation are revegetated with native species to monitor compliance with Section III.O.1 (ARM 17.8.1213).

O.8. NorthWestern shall maintain documentation that reseeding was completed in the same year for all construction completed by August 31, or at the landowners' discretion to monitor compliance with Section III.O.2 (ARM 17.8.1213).

O.9. NorthWestern shall maintain documentation that existing vegetation was only cleared from areas that were scheduled for immediate construction work and the clearing was only done for the width needed for active construction activities to monitor compliance with Section III.O.3 (ARM 17.8.1213).

O.10. NorthWestern shall maintain documentation that revegetated areas are monitored and remedial revegetation is done, if necessary, until reclamation is successful to monitor compliance with Section III.O.4 (ARM 17.8.1213).

O.11. NorthWestern shall maintain documentation that pre-construction botanical surveys (weed inventory) of staging yards, contractor yards, and other associated facilities are performed and mitigated if noxious weeds are not controlled in reclaimed areas to monitor compliance with Section III.O.5 (ARM 17.8.1213).

O.12. NorthWestern shall maintain documentation that narrowed right-of-ways or, where possible, minor reroutes were used to minimize or avoid impacts to special-status plant populations to monitor compliance with Section III.O.6 (ARM 17.8.1213).

Recordkeeping

O.13. NorthWestern shall maintain the documentation required by Sections III.O.7, III.O.8, III.O.9, III.O.10, III.O.11, and III.O.12 on-site (ARM 17.8.1212).

Reporting

O.14. The annual compliance certification report required by Section V.B. must contain a certification for the above applicable requirements. The semi-annual report shall provide (ARM 17.8.1212):

a. Verification that the weed control plan contains provisions that all disturbed areas will be reseeded with site-adapted seed mixtures and adequate seed rates of pure live seed in the first appropriate season (Spring or Fall) after construction and at the landowners' discretion and that all disturbed areas that supported native vegetation are revegetated with native species

b. Verification that reseeding was completed in the same year for all construction completed by August 31, or at the landowners' discretion

c. Verification that existing vegetation was only cleared from areas that were scheduled for immediate construction work and the clearing was only done for the width needed for active construction activities

d. Verification that revegetated areas are monitored and remedial revegetation is done, if necessary, until reclamation is successful

e. Verification that pre-construction botanical surveys (weed inventory) of staging yards, contractor yards, and other associated facilities are performed and mitigated if noxious weeds are not controlled in reclaimed areas

f. Verification that narrowed right-of-ways or, where possible, minor reroutes are used to minimize or avoid impacts to special-status plant populations

P. EU28 – Pipeline Construction/Contractor Compliance

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
P.1, P.2, P.3, P.4	Contractor Compliance with Mitigated Measures	NorthWestern shall ensure contractors adhere to all mitigation measures and shall provide an environmental inspector during pipeline construction.	Document	Ongoing	Semi-Annual

Conditions

P.1. NorthWestern shall ensure contractors adhere to all mitigation measures and shall provide an environmental inspector during pipeline construction (ARM 17.8.710 and § 75-1-201(5)(b), MCA).

Compliance Demonstration

P.2. NorthWestern shall maintain documentation that contractors comply with all mitigation measures and that an environmental inspector is provided during pipeline construction to monitor compliance with Section III.P.1 (ARM 17.8.1213).

Recordkeeping

P.3. NorthWestern shall maintain the documentation required by Section III.P.2 on-site (ARM 17.8.1212).

Reporting

P.4. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall provide verification that contractors comply with all mitigation measures and that an environmental inspector is provided during pipeline construction (ARM 17.8.1212).

Q. EU29 – Pipeline Construction/Vehicle and Equipment Pollution

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
Q.1, Q.2, Q.3, Q.4	Contractor Compliance with Mitigated Measures	All vehicles and equipment utilized during pipeline construction shall be clean, in good repair, and without leaks of oil, gasoline, diesel, or other materials, which would contaminate stream water quality. In addition the equipment shall be daily inspected for leaking oil and fuel.	Document	Ongoing	Semi-Annual

Conditions

Q.1. NorthWestern shall ensure that all vehicles and equipment utilized during pipeline construction are clean, in good repair, and without leaks of oil, gasoline, diesel, or other materials that would contaminate stream water quality. In addition, NorthWestern or the contractor shall conduct daily equipment inspections for leaking oil and fuel (ARM 17.8.710 and § 75-1-201(5)(b), MCA).

Compliance Demonstration

Q.2. NorthWestern shall maintain documentation that all vehicles and equipment utilized during pipeline construction are clean, in good repair, without leaks of oil, gasoline, diesel, or other materials that would contaminate stream water quality to monitor compliance with Section III.Q.1. In addition, NorthWestern shall document that daily inspections of the equipment are conducted for leaking oil and fuel to monitor compliance with Section III.Q.1 (ARM 17.8.1213).

Recordkeeping

Q.3. NorthWestern shall maintain the documentation required by Section III.Q.2 on-site (ARM 17.8.1212).

Reporting

Q.4. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall provide verification that all vehicles and equipment utilized during pipeline construction are clean, in good repair, without leaks of oil, gasoline, diesel, or other materials which would contaminate stream water quality, and that daily inspections of the equipment are conducted for leaking oil and fuel (ARM 17.8.1212).

R. EU30 – Pipeline Construction/Big Game Avoidance

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
R.1, R.2, R.3, R.4	Construction Conflicts with Big Game	FWP shall be consulted with to develop timing restrictions to avoid construction in big game winter ranges during critical periods.	Document	Ongoing	Semi-Annual

Conditions

R.1. NorthWestern shall consult with the Montana Department of Fish, Wildlife, and Parks (FWP) to develop timing restrictions to avoid construction in big game winter ranges during critical periods (ARM 17.8.710 and § 75-1-202(5)(b), MCA).

Compliance Demonstration

R.2. NorthWestern shall document the date and conclusion of any consultations with FWP regarding timing restrictions to avoid construction in big game winter ranges during critical periods to monitor compliance with Section III.R.1 (ARM 17.8.1213).

Recordkeeping

R.3. NorthWestern shall maintain the documentation required by Section III.R.2 on-site (ARM 17.8.1212).

Reporting

R.4. The annual compliance certification report required by Section V.B must contain a certification for the above applicable requirements. The semi-annual report shall provide (ARM 17.8.1212):

a. Verification that FWP was consulted to develop timing restrictions to avoid construction in big game winter ranges during critical periods

b. Verification that construction did not take place in big game winter ranges during critical periods as identified by FWP

SECTION IV. NON-APPLICABLE REQUIREMENTS

Air Quality Administrative Rules of Montana (ARM) and Federal Regulations. Many of the rules NorthWestern requested shields from are included in the following table identified as not applicable to the facility at the time of the permit issuance (ARM 17.8.1214). The following list does not preclude NorthWestern from complying with any new requirement that may become applicable during the permit term.

A. Facility-Wide

The following table contains non-applicable requirements, which are administrated by the Air and Waste Management Bureau of the Department of Environmental Quality.

Rule Citation		Reason
State	Federal	
ARM 17.8.310 ARM 17.8.321 ARM 17.8.323 ARM 17.8 331 ARM 17.8.332 ARM 17.8.333 ARM 17.8.334 ARM 17.8.610		These rules are not applicable because the facility is not listed in the source category cited in the rules.
ARM 17.8.316 ARM 17.8.320 ARM 17.8.324		These rules are not applicable because the facility does not have the specific emissions unit cited in the rules or is excluded by rule.
ARM 17.8.818 ARM 17.8.819 ARM 17.8.820 ARM 17.8.821 ARM 17.8.822 ARM 17.8.823 ARM 17.8.824 ARM 17.8.827 ARM 17.8.828 ARM 17.8.1106 ARM 17.8.1107 ARM 17.8.1110 ARM 17.8.1111		These rules are not applicable because the facility is not classified as a major stationary source under ARM 17.8.801 nor has the facility made any changes that would trigger these procedural rule requirements.
	40 CFR 60, Subparts C, Ca, Cb 40 CFR 60, Subparts D, Da, Db, Dc 40 CFR 60, Subparts E-J 40 CFR 60, Subparts K, Ka, Kb 40 CFR 60, Subparts L-Z 40 CFR 60, Subparts AA-EE 40 CFR 60, Subparts GG-HH 40 CFR 60, Subparts KK-NN 40 CFR 60, Subparts PP-XX 40 CFR 60, Subparts AAA-BBB 40 CFR 60, Subparts DDD 40 CFR 60, Subparts FFF-JJJ 40 CFR 60, Subparts LLL 40 CFR 60, Subparts NNN-VVV 40 CFR 61, Subparts B-F 40 CFR 61, Subparts H-L 40 CFR 61, Subparts N-R 40 CFR 61, Subparts T	These requirements are not applicable because the facility is not an affected source as defined in these regulations.

	40 CFR 61, Subparts V-W 40 CFR 61, Subpart Y 40 CFR 61, Subpart BB 40 CFR 61, Subpart FF 40 CFR 62 40 CFR 63, Subparts A-B 40 CFR 63, Subparts F-I 40 CFR 63, Subparts L-M 40 CFR 63, Subparts Q 40 CFR 68 40 CFR 82	
	40 CFR 72 - 78.	These requirements are not applicable because facility is not an affected source as defined by acid rain regulations.

B. Emission Units

NorthWestern did not request a shield for specific emission units; therefore, a permit shield will not be granted to individual emission units.

SECTION V. GENERAL PERMIT CONDITIONS

A. Compliance Requirements

ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(a)-(c)&(e), §1206(6)(c)&(b)

1. The permittee must comply with all conditions of the permit. Any noncompliance with the terms or conditions of the permit constitutes a violation of the Montana Clean Air Act, and may result in enforcement action, permit modification, revocation and reissuance, or termination, or denial of a permit renewal application under ARM Title 17, Chapter 8, Subchapter 12.

2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3. It shall not be a defense for a 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 the permit. If appropriate, this factor may be considered as a mitigating factor in assessing a penalty for noncompliance with an applicable requirement if the source demonstrates that both the health, safety or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations, and that such health, safety or environmental impacts were unforeseeable and could not have otherwise been avoided.

4. The permittee shall furnish to the Department, within a reasonable time set by the Department (not to be less than 15 days), any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department copies of those records that are required to be kept pursuant to the terms of the permit. This subsection does not impair or otherwise limit the right of the permittee to assert the confidentiality of the information requested by the Department, as provided in 75-2-105, MCA.

5. Any schedule of compliance for applicable requirements with which the source is not in compliance with at the time of permit issuance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it was based.

6. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis unless a more detailed plan or schedule is required by the applicable requirement or the Department.

B. Certification Requirements

ARM 17.8, Subchapter 12, Operating Permit Program §1207 and §1213(7)(a)&(c)-(d)

1. Any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12, shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

2. Compliance certifications shall be submitted by January 31 of each year, or more frequently if otherwise specified in an applicable requirement or elsewhere in the permit. Each certification must include the required information for the previous calendar year (i.e., January 1 – December 31).

3. Compliance certifications shall include the following:

   a. The identification of each term or condition of the permit that is the basis of the certification

   b. The identification of the method(s) or other means used by the owner or operator for determining the status of compliance with each term or condition during the certification period, and whether such methods or other means provide continuous or intermittent data, as well as the additional information required by ARM 17.8.1213(7)(c)(ii)

   c. The status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the method or means designated in ARM 17.8.1213(7)(c)(ii), as well as the additional information required by ARM 17.8.1213(7)(c)(iii)

   d. Such other facts as the Department may require to determine the compliance status of the source

4. All compliance certifications must be submitted to the Environmental Protection Agency, as well as to the Department, at the addresses listed in the Notification Addresses Appendix of this permit.

C. Permit Shield
ARM 17.8, Subchapter 12, Operating Permit Program §1214(1)-(4)

1. The applicable requirements and non-federally enforceable requirements are included and specifically identified in this permit and the permit includes a precise summary of the requirements not applicable to the source. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements and any non-federally enforceable requirements as of the date of permit issuance.

2. The permit shield described in 1 above shall remain in effect during the appeal of any permit action (renewal, revision, reopening, or revocation and reissuance) to the Board of Environmental Review (Board), until such time as the Board renders its final decision.

3. Nothing in this permit alters or affects the following:

   a. The provisions of Sec. 7603 of the FCAA, including the authority of the administrator under that section.

   b. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.

   c. The applicable requirements of the Acid Rain Program, consistent with Sec. 7651g(a) of the FCAA.

   d. The ability of the administrator to obtain information from a source pursuant to Sec. 7414 of the FCAA.

   e. The ability of the Department to obtain information from a source pursuant to the Montana Clean Air Act, Title 75, Chapter 2, MCA.

   f. The emergency powers of the Department under the Montana Clean Air Act, Title 75, Chapter 2, MCA.

g. The ability of the Department to establish or revise requirements for the use of Reasonably Available Control Technology (RACT) as defined in ARM Title 17, Chapter 8. However, if the inclusion of a RACT into the permit pursuant to ARM Title 17, Chapter 8, Subchapter 12, is appealed to the Board, the permit shield, as it applies to the source's existing permit, shall remain in effect until such time as the Board has rendered its final decision.

4. Nothing in this permit alters or affects the ability of the Department to take enforcement action for a violation of an applicable requirement or permit term demonstrated pursuant to ARM 17.8.106, Source Testing Protocol.

5. Pursuant to ARM 17.8.132, for the purpose of submitting a compliance certification, nothing in these rules shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance. However, when compliance or noncompliance is demonstrated by a test or procedure provided by permit or other applicable requirements, the source shall then be presumed to be in compliance or noncompliance unless that presumption is overcome by other relevant credible evidence.

6. The permit shield will not extend to minor permit modifications or changes not requiring a permit revision (see Sections I & J).

7. The permit shield will extend to significant permit modifications and transfer or assignment of ownership (see Sections K & N).

D. Monitoring, Recordkeeping, and Reporting Requirements
ARM 17.8, Subchapter 12, operating Permit Program §1212(2)&(3)

1. Unless otherwise provided in this permit, the permittee shall maintain compliance monitoring records that include the following information.

   a. The date, place as defined in the permit, and time of sampling or measurement

   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

   f. The operating conditions at the time of sampling or measurement

2. The permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. All monitoring data, support information, and required reports and summaries may be maintained in computerized form at the plant site if the information is made available to Department personnel upon request, which may be for either hard copies or computerized format. Strip-charts must be maintained in their original form at the plant site and shall be made available to Department personnel upon request.

3. The permittee shall submit to the Department, at the addresses located in the Notification Addresses Appendix of this permit, reports of any required monitoring by January 31 and July 31 of each year, or more frequently if otherwise specified in an applicable requirement or elsewhere in the permit. The monitoring report submitted on January 31 of each year must include the required monitoring information for the period of July 1 through December 31 of the previous year. The monitoring report submitted on July 31 of each year must include the required monitoring information for the period of January 1 through June 30 of the current year. All instances of deviations from the permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official, consistent with ARM 17.8.1207.

E. Prompt Deviation Reporting
ARM 17.8, Subchapter 12, Operating Permit Program §1212(3)(c)

The permittee shall promptly report deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. To be considered prompt, deviations shall be reported as part of the routine reporting requirements under ARM 17.8.1212(3)(b) and, if applicable, in accordance with the malfunction reporting requirements under ARM 17.8.110, unless otherwise specified in an applicable requirement.

F. Emergency Provisions
ARM 17.8, Subchapter 12, Operating Permit Program §1201(13) and §1214(5), (6)&(8)

1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation and causes the source to exceed a technology-based emission limitation under this permit due to the unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of reasonable preventive maintenance, careless or improper operation, or operator error.

2. An emergency constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the permittee demonstrates through properly signed, contemporaneous logs, or other relevant evidence, that:

   a. An emergency occurred and the permittee can identify the cause(s) of the emergency

   b. The permitted facility was at the time being properly operated

   c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit

   d. The permittee submitted notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirements of ARM 17.8.1212(3)(c). This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

3. These emergency provisions are in addition to any emergency, malfunction or upset provision contained in any applicable requirement.

G. Inspection and Entry

ARM 17.8, Subchapter 12, Operating Permit Program §1213(3)&(4)

1. Upon presentation of credentials and other requirements as may be required by law, the permittee shall allow the Department, the administrator, or an authorized representative (including an authorized contractor acting as a representative of the Department or the administrator) to perform the following:

   a. Enter the premises where a source required to obtain a permit is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit.

   b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

   c. Inspect at reasonable times any facilities, emission units, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

   d. As authorized by the Montana Clean Air Act and rules promulgated thereunder, sample or monitor, at reasonable times, any substances or parameters at any location for the purpose of assuring compliance with the permit or applicable requirements.

2. The permittee shall inform the inspector of all workplace safety rules or requirements at the time of inspection. This section shall not limit in any manner the Department's statutory right of entry and inspection as provided for in 75-2-403, MCA.

H. Fee Payment

ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(f) and ARM 17.8, Subchapter 5, Air Quality Permit Application, Operation, and Open Burning Fees §505(3)-(5) (STATE ONLY)

1. The permittee must pay application and operating fees, pursuant to ARM Title 17, Chapter 8, Subchapter 5.

2. Annually, the Department shall provide the permittee with written notice of the amount of the fee and the basis for the fee assessment. The air quality operation fee is due 30 days after receipt of the notice, unless the fee assessment is appealed pursuant to ARM 17.8.511. If any portion of the fee is not appealed, that portion of the fee that is not appealed is due 30 days after receipt of the notice. Any remaining fee, which may be due after the completion of an appeal, is due immediately upon issuance of the Board's decision or upon completion of any judicial review of the Board's decision.

3. If the permittee fails to pay the required fee (or any required portion of an appealed fee) within 90 days of the due date of the fee, the Department may impose an additional assessment of 15% of the fee (or any required portion of an appealed fee) or $100, whichever is greater, plus interest on the fee (or any required portion of an appealed fee), computed at the interest rate established under 15-31-510(3), MCA.

I. Minor Permit Modifications

ARM 17.8, Subchapter 12, Operating Permit Program §1226(3)&(11)

1. An application for a minor permit modification need only address in detail those portions of the permit application that require revision, updating, supplementation, or deletion, and may reference any required information that has been previously submitted.

2. The permit shield under ARM 17.8.1214 will not extend to any minor modifications processed pursuant to ARM 17.8.1226.

J. Changes Not Requiring Permit Revision
ARM 17.8, Subchapter 12, Operating Permit Program §1224(1)-(3), (5)&(6)

1. The permittee is authorized to make changes within the facility as described below, provided the following conditions are met.

   a. The proposed changes do not require the permittee to obtain an air quality preconstruction permit under ARM Title 17, Chapter 8, Subchapter7.

   b. The proposed changes are not modifications under Title I of the FCAA, or as defined in ARM Title 17, Chapter 8, Subchapters 8, 9, or 10.

   c. The emissions resulting from the proposed changes do not exceed the emissions allowable under this permit, whether expressed as a rate of emissions or in total emissions.

   d. The proposed changes do not alter permit terms that are necessary to enforce applicable emission limitations on emission units covered by the permit.

   e. The facility provides the administrator and the Department with written notification at least 7 days prior to making the proposed changes.

2. The permittee and the Department shall attach each notice provided pursuant to 1.e above to their respective copies of this permit.

3. Pursuant to the conditions above, the permittee is authorized to make Sec. 502(b)(10) changes, as defined in ARM 17.8.1201(30), without a permit revision. For each such change, the written notification required under 1.e above shall include a description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

4. The permittee may make a change not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided the following conditions are met.

   a. Each proposed change does not weaken the enforceability of any existing permit conditions.

   b. The Department has not objected to such change.

   c. Each proposed change meets all applicable requirements and does not violate any existing permit term or condition.

   d. The permittee provides contemporaneous written notice to the Department and the administrator of each change that is above the level for insignificant emission units as defined in ARM 17.8.1201(22) and 17.8.1206(3), and the written notice describes each such change, including the date of the change, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

5. The permit shield authorized by ARM 17.8.1214 shall not apply to changes made pursuant to ARM 17.8.1224(3) and (5), but is applicable to terms and conditions that allow for increases and decreases in emissions pursuant to ARM 17.8.1224(4).

K. Significant Permit Modifications
ARM 17.8, Subchapter 12, Operating Permit Program §1227(1), (3)&(4)

1. The modification procedures set forth in 2 below must be used for any application requesting a significant modification of this permit. Significant modifications include the following:

   a. Any permit modification that does not qualify as either a minor modification or as an administrative permit amendment

   b. Every significant change in existing permit monitoring terms or conditions

   c. Every relaxation of permit reporting or recordkeeping terms or conditions that limit the Department's ability to determine compliance with any applicable rule, consistent with the requirements of the rule

   d. Any other change determined by the Department to be significant

2. Significant modifications shall meet all requirements of ARM Title 17, Chapter 8, including those for applications, public participation, and review by affected states and the administrator, as they apply to permit issuance and renewal, except that an application for a significant permit modification need only address in detail those portions of the permit application that require revision, updating, supplementation or deletion.

3. The permit shield provided for in ARM 17.8.1214 shall extend to significant modifications.

L. Reopening for Cause
ARM 17.8, Subchapter 12, Operating Permit Program §1228(1)&(2)

1. This permit may be reopened and revised under the following circumstances.

   a. Additional applicable requirements under the FCAA become applicable to the facility when the permit has a remaining term of 3 or more years. Reopening and revision of the permit shall be completed not later than 18 months after promulgation of the applicable requirement. No reopening is required under ARM 17.8.1228(1)(a) if the effective date of the applicable requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms or conditions have been extended pursuant to ARM 17.8.1220(12) or 17.8.1221(2).

   b. Additional requirements (including excess emission requirements) become applicable to an affected source under the Acid Rain Program. Upon approval by the administrator, excess emission offset plans shall be deemed incorporated into the permit.

   c. The Department or the administrator 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.

   d. The administrator or the Department determines that the permit must be revised or revoked and reissued to ensure compliance with the applicable requirements.

M. Permit Expiration and Renewal
ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(g), §1220(11)&(12), and §1205(2)(d)

1. This permit is issued for a fixed term of 5 years.

2. Renewal of this permit is subject to the same procedural requirements that apply to permit issuance, including those for application, content, public participation, and affected state and administrator review.

3. Expiration of this permit terminates the permittee's right to operate unless a timely and administratively complete renewal application has been submitted consistent with ARM 17.8.1221 and 17.8.1205(2)(d). If a timely and administratively complete application has been submitted, all terms and conditions of the permit, including the application shield, remain in effect after the permit expires until the permit renewal has been issued or denied.

4. For renewal, the permittee shall submit a complete air quality operating permit application to the Department not later than 6 months prior to the expiration of this permit, unless otherwise specified. If necessary to ensure that the terms of the existing permit will not lapse before renewal, the Department may specify, in writing to the permittee, a longer time period for submission of the renewal application. Such written notification must be provided at least 1 year before the renewal application due date established in the existing permit.

N. Severability Clause
ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(i)&(l)

1. The administrative appeal or subsequent judicial review of the issuance by the Department of an initial permit under this subchapter shall not impair in any manner the underlying applicability of all applicable requirements, and such requirements continue to apply as if a final permit decision had not been reached by the Department.

2. If any provision of a permit is found to be invalid, all valid parts that are severable from the invalid part remain in effect. If a provision of a permit is invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid applications.

O. Transfer or Assignment of Ownership
ARM 17.8, Subchapter 12, Operating Permit Program §1225(2)&(4)

1. If an administrative permit amendment involves a change in ownership or operational control, the applicant must include in its request to the Department a written agreement containing a specific date for the transfer of permit responsibility, coverage and liability between the current and new permittee.

2. The permit shield provided for in ARM17.8.1214 shall not extend to administrative permit amendments.

P. Emissions Trading, Marketable Permits, Economic Incentives
ARM 17.8, Subchapter 12, Operating Permit Program §1226(2)

Notwithstanding ARM 17.8.1226(1) and (7), minor air quality operating permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in the Montana State Implementation Plan or in applicable requirements promulgated by the administrator.

Q. No Property Rights Conveyed
ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(d)

This permit does not convey any property rights of any sort, or any exclusive privilege.

R. Testing Requirements
ARM 17.8, Subchapter 1, General Provisions §105

The permittee shall comply with ARM 17.8.105.

S. Source Testing Protocol
ARM 17.8, Subchapter 1, General Provisions §106

The permittee shall comply with ARM 17.8.106.

T. Malfunctions
ARM 17.8, Subchapter 1, General Provisions §110

The permittee shall comply with ARM 17.8.110.

U. Circumvention
ARM 17.8, Subchapter 1, General Provisions §111

The permittee shall comply with ARM 17.8.111.

V. Motor Vehicles
ARM 17.8, Subchapter 3, Emission Standards §325

The permittee shall comply with ARM 17.8.325.

W. Annual Emissions Inventory
ARM 17.8, Subchapter 5, Air Quality Permit Application, Operation and Open Burning Fees §505 (STATE ONLY)

The permittee shall supply the Department with annual production and other information for all emission units necessary to calculate actual or estimated actual amount of air pollutants emitted during each calendar year. Information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request, unless otherwise specified in this permit. Information shall be in the units required by the Department.

X. Open Burning
ARM 17.8, Subchapter 6, Open Burning §604, 605 and 606

The permittee shall comply with ARM 17.8.604, 605 and 606.

Y. Preconstruction Permits
ARM 17.8, Subchapter 7, Permit, Construction and Operation of Air Contaminant Sources §743, 744, 745 and 764 (ARM 17.8.745(1) and 764(1)(b) are STATE ENFORCEABLE ONLY until approval by the EPA as part of the SIP)

1. Except as specified, no person shall construct, install, alter or use any air contaminant source or stack associated with any source without first obtaining a permit from the Department or Board. A permit is not required for those sources or stacks as specified by ARM 17.8.744(1)(a)-(k).

2. The permittee shall comply with ARM 17.8.743, 744, 745 and 764.

3. ARM 17.8.745(1)(a) specifies de minimis changes as construction or changed conditions of operation at a facility holding an air quality preconstruction permit issued under Chapter 8 that does not increase the facility's potential to emit by more than 15 tons per year of any pollutant, except (STATE ENFORCEABLE ONLY until approved by the EPA as part of the SIP):

   a. Any construction or changed condition that would violate any condition in the facility's existing air quality preconstruction permit or any applicable rule contained in Chapter 8 is prohibited, except as provided in ARM 17.8.745(2).

   b. Any construction or changed conditions of operation that would qualify as a major modification under Subchapters 8, 9 or 10 of Chapter 8.

   c. Any construction or changed condition of operation that would affect the plume rise or dispersion characteristic of emissions that would cause or contribute to a violation of an ambient air quality standard or ambient air increment as defined in ARM 17.8.804.

   d. Any construction or improvement project with a potential to emit more than 15 tons per year may not be artificially split into smaller projects to avoid air quality preconstruction permitting.

   e. Emission reductions obtained through offsetting within a facility are not included when determining the potential emission increase from construction or changed conditions of operation, unless such reductions are made federally enforceable.

4. Any facility making a de minimis change pursuant to ARM 17.8.745(1) shall notify the Department if the change would include a change in control equipment, stack height, stack diameter, stack gas temperature, source location or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit. The notice must be submitted, in writing, 10 days prior to start up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(1)(d). (STATE ENFORCEABLE ONLY until approval by the EPA as part of the SIP)

Z. National Emission Standard for Asbestos
40 CFR, Part 61, Subpart M

The permittee shall not conduct any asbestos abatement activities except in accordance with 40 CFR 61, Subpart M (National Emission Standard for Hazardous Air Pollutants for Asbestos).

AA. Asbestos
ARM 17.74, Subchapter 3, General Provisions and Subchapter 4, Fees

The permittee shall comply with ARM 17.74.301, *et seq*., and ARM 17.74.401, *et seq*. (State only)

BB. Stratospheric Ozone Protection – Servicing of Motor Vehicle Air Conditioners
40 CFR, Part 82, Subpart B

If the permittee performs a service on motor vehicles and this service involves ozone-depleting substance/refrigerant in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR 82, Subpart B.

CC. Stratospheric Ozone Protection – Recycling and Emission Reductions
40 CFR, Part 82, Subpart F

The permittee shall comply with the standards for recycling and emission reductions in 40 CFR 82, Subpart F, except as provided for MVACs in Subpart B.

1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.

2. Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.

3. Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technical certification program pursuant to §82.161.

4. Persons disposing of small appliances, MVACs and MVAC-like (as defined at §82.152) appliances must comply with recordkeeping requirements pursuant to §82.166.

5. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.

6. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.

DD. Emergency Episode Plan

The permittee shall comply with the requirements contained in Chapter 9.7 of the State of Montana Air Quality Control Implementation Plan.

Each major source emitting 100 tons per year located in a Priority I Air Quality Control Region, shall submit to the Department a legally enforceable Emergency Episode Action Plan (EEAP) that details how the source will curtail emissions during an air pollutant emergency episode. The industrial EEAP shall be in accordance with the Department's EEAP and shall be submitted according to a timetable developed by the Department, following Priority I reclassification.

EE. Definitions

Terms not otherwise defined in this permit or in the Definitions and Abbreviations Appendix of this permit, shall have the meaning assigned to them in the referenced regulations.

APPENDICES

Appendix A RULE CITATION

Pursuant to Chapter 418, Laws of Montana 1995, effective July 1, 1995, the Air Quality Division was transferred from the Department of Health and Environmental Sciences to the Department of Environmental Quality. To implement the legislation, ARM 16.8.101 through ARM 16.8.2025, and 16.9.101 through 16.9.106, except any repealed rules, were transferred to the Department of Environmental Quality as ARM 17.8.101 through 17.8.1234 and 17.80.101 through 17.80.106 effective August 22, 1996. On September 19, 1997, the rule transfer was submitted to EPA and is pending approval as part of the State Implementation Plan (SIP). The old citations are still cited in the SIP until EPA approves the rule transfer.

NEW CITATION		OLD CITATION
Sub-chapter 1 – General Provisions		
17.8.101	Definitions	16.8.701
17.8.102	Incorporation by Reference - Publication Dates and Availability of Referenced Documents	16.8.710
17.8.103	Incorporation by Reference	16.8.708
17.8.105	Testing Requirements	16.8.704
17.8.106	Source Testing Protocol	16.8.709
17.8.110	Malfunctions	16.8.705
17.8.111	Circumvention	16.8.707
17.8.120	Variance Procedures – Initial Application	16.8.101
17.8.121	Variance Procedures – Renewal Application	16.8.102
17.8.130	Enforcement Procedures – Notice of Violation –Order to Take Corrective Action	16.8.201
17.8.131	Enforcement Procedures – Appeal to Board	16.8.202
17.8.140	Rehearing Procedures – Form and Filing of Petition	16.8.302
17.8.141	Rehearing Procedures – Filing Requirements	16.8.303
17.8.142	Rehearing Procedures – Board Review	16.8.304
Sub-chapter 2 – Ambient Air Quality		
17.8.201	Definitions	16.8.806
17.8.202	Incorporation by Reference	16.8.823
17.8.204	Ambient Air Monitoring	16.8.807
17.8.205	Enforceability	16.8.808
17.8.206	Methods and Data	16.8.809
17.8.210	Ambient Air Quality Standards for Sulfur Dioxide	16.8.820
17.8.211	Ambient Air Quality Standards for Nitrogen Dioxide	16.8.816
17.8.212	Ambient Air Quality Standards for Carbon Monoxide	16.8.811
17.8.213	Ambient Air Quality Standards for Ozone	16.8.817
17.8.214	Ambient Air Quality Standards for Hydrogen Sulfide	16.8.814
17.8.220	Ambient Air Quality Standards for Settled Particulate Matter	16.8.818
17.8.221	Ambient Air Quality Standards for Visibility	16.8.822
17.8.222	Ambient Air Quality Standards for Lead	16.8.815
17.8.223	Ambient Air Quality Standards for PM-10	16.8.821
17.8.230	Fluoride in Forage	16.8.813
Sub-chapter 3 – Emission Standards		
17.8.301	Definitions	16.8.1430
17.8.302	Incorporation by Reference	16.8.1429
17.8.304	Visible Air Contaminants	16.8.1404
17.8.308	Particulate Matter, Airborne	16.8.1401
17.8.309	Particulate Matter, Fuel Burning Equipment	16.8.1402

17.8.310	Particulate Matter, Industrial Processes	16.8.1403
17.8.316	Incinerators	16.8.1406
17.8.320	Wood-Waste Burners	16.8.1407
17.8.321	Kraft Pulp Mills	16.8.1413
17.8.322	Sulfur Oxide Emissions – Sulfur in Fuel	16.8.1411
17.8.323	Sulfur Oxide Emissions – Primary Copper Smelters	16.8.1412
17.8.324	Hydrocarbon Emissions – Petroleum Products	16.8.1425
17.8.325	Motor Vehicles	16.8.1426
17.8.326	Prohibited Materials for Wood or Coal Residential Stoves	16.8.1428
17.8.330	Emission Standards for Existing Aluminum Plants- Definitions	16.8.1501
17.8.331	Emission Standards for Existing Aluminum Plants- Standards for Fluoride	16.8.1502
17.8.332	Emission Standards for Existing Aluminum Plants-Standard	16.8.1503
17.8.333	Emission Standards for Existing Aluminum Plants -Monitoring and Reporting	16.8.1504
17.8.334	Emission Standards for Existing Aluminum Plants -Startup and Shutdown	16.8.1505
17.8.340	Standard of Performance for New Stationary Sources	16.8.1423
17.8.341	Emission Standards for Hazardous Air Pollutants	16.8.1424
17.8.342	Emission Standards for Hazardous Air Pollutants for Source Categories	16.8.1431

Sub-chapter 4 – Stack Heights and Dispersion Techniques

17.8.401	Definitions	16.8.1204
17.8.402	Requirements	16.8.1205
17.8.403	Exemptions	16.8.1206

Sub-chapter 5 – Air Quality Permit Application, Operation, and Open Burning Fees

17.8.501	Definitions	16.8.1901
17.8.504	Air Quality Permit Application Fees	16.8.1905
17.8.505	Air Quality Operation Fees	16.8.1903
17.8.510	Annual Review	16.8.1902
17.8.511	Air Quality Permit Application/Operation Fee	16.8.1906
17.8.514	Air Quality Open Burning Fees	16.8.1907
17.8.515	Air Quality Open Burning Fees for Conditional, Emergency, Christmas Tree Waste, and Commercial Film Production Open Burning Permits	16.8.1908

Sub-chapter 6 – Open Burning

17.8.601	Definitions	16.8.1301
17.8.602	Incorporation by Reference	16.8.1311
17.8.604	Prohibited Open Burning – When Permit Required	16.8.1302
17.8.605	Special Burning Periods	16.8.1305
17.8.606	Minor Open Burning Source Requirements	16.8.1303
17.8.610	Major Open Burning Source Restrictions	16.8.1304
17.8.611	Emergency Open Burning Permits	16.8.1308
17.8.612	Conditional Air Quality Open Burning Permits	16.8.1307
17.8.613	Christmas Tree Waste Open Burning Permits	16.8.1309
17.8.614	Commercial Film Production Open Burning Permits	16.8.1310
17.8.615	Firefighter Training	16.8.1306

Sub-chapter 7 – Permit, Construction and Operation of Air Contaminant Sources

17.8.740	Definitions	16.8.1101
17.8.767	Incorporation by Reference	16.8.1120
17.8.748	General Procedures for Air Quality Preconstruction Permitting	16.8.1119

17.8.744	When Permit Required – Exclusions	16.8.1102
17.8.748	New or Altered Sources and Stacks – Permit Application Requirements	16.8.1105
17.8.749	Conditions for Issuance of Permit	16.8.1109
17.8.752	Emission Control Requirements	16.8.1103
17.8.755	Inspection of Permit	16.8.1115
17.8.756	Compliance with Other Statutes and Rules	16.8.1117
17.8.759	Public Review of Permit Application	16.8.1107
17.8.749	Denial of Permit	16.8.1110
17.8.762	Duration of Permit	16.8.1111
17.8.763	Revocation of Permit	16.8.1112
17.8.764	Modification of Permit	16.8.1113
17.8.765	Transfer of Permit	16.8.1114

Sub-chapter 8 – Prevention of Significant Deterioration of Air Quality

17.8.801	Definitions	16.8.945
17.8.802	Incorporation by Reference	16.8.946
17.8.804	Ambient Air Increments	16.8.947
17.8.805	Ambient Air Ceilings	16.8.948
17.8.806	Restrictions on Area Classifications	16.8.949
17.8.807	Exclusions From Increment Consumption	16.8.950
17.8.808	Redesignation	16.8.951
17.8.809	Stack Heights	16.8.952
17.8.818	Review of Major Stationary Sources and Major Modification –Source Applicability and Exemptions	16.8.953
17.8.819	Control Technology Review	16.8.954
17.8.820	Source Impact Analysis	16.8.955
17.8.821	Air Quality Models	16.8.956
17.8.822	Air Quality Analysis	16.8.957
17.8.823	Source Information	16.8.958
17.8.824	Additional Impact Analyses	16.8.959
17.8.825	Sources Impacting Federal Class I Areas – Additional	16.8.960
17.8.826	Public Participation	16.8.961
17.8.827	Source Obligation	16.8.962
17.8.828	Innovative Control Technology	16.8.963

Sub-chapter 9 – Permit Requirements for Major Stationary Sources or Major Modifications Located Within Nonattainment Areas

17.8.901	Definitions	16.8.1701
17.8.902	Incorporation by Reference	16.8.1702
17.8.904	When Air Quality Preconstruction Permit Required	16.8.1703
17.8.905	Additional Conditions of Air Quality Preconstruction Permit	16.8.1704
17.8.906	Baseline for Determining Credit for Emissions and Air Quality Offsets	16.8.1705

Sub-chapter 10 – Preconstruction Permit Requirements for Major Stationary Sources or Major Modifications Located Within Attainment or Unclassified Areas

17.8.1001	Definitions	16.8.1801
17.8.1002	Incorporation by Reference	16.8.1802
17.8.1004	When Air Quality Preconstruction Permit Required	16.8.1803
17.8.1005	Additional Conditions of Air Quality Preconstruction Permit	16.8.1804
17.8.1006	Review of Specified Sources for Air Quality Impact	16.8.1805
17.8.1007	Baseline for Determining Credit for Emissions and Air Quality Offsets	16.8.1806

Sub-chapter 11 – Visibility Impact Assessment

17.8.1101	Definitions	16.8.1002
17.8.1102	Incorporation by Reference	16.8.1009
17.8.1103	Applicability – Visibility Requirements	16.8.1001
17.8.1106	Visibility Impact Analysis	16.8.1003
17.8.1107	Visibility Models	16.8.1004
17.8.1108	Notification of Permit Application	16.8.1005
17.8.1109	Adverse Impact of Federal Land Manager	16.8.1006
17.8.1110	Visibility Monitoring	16.8.1007
17.8.1111	Additional Impact Analysis	16.8.1008

Sub-chapter 12 – Operating Permit Program

17.8.1201	Definitions	16.8.2002
17.8.1202	Incorporation by Reference	16.8.2003
17.8.1203	Air Quality Operating Permit Program Overview	16.8.2001
17.8.1204	Air Quality Operating Permit Program Applicability	16.8.2004
17.8.1205	Requirements for Timely and Complete Air Quality Permit Applications	16.8.2005
17.8.1206	Information Required for Air Quality Operating Permit Applications	16.8.2006
17.8.1207	Certification of Truth, Accuracy, and Completeness	16.8.2007
17.8.1210	General Requirements for Air Quality Operating Permit Content	16.8.2008
17.8.1211	Requirements for Air Quality Operating Permit Content Relating to Emission Limitations and Standards, and Other Requirements	16.8.2009
17.8.1212	Requirements for Air Quality Operating Permit Content Relating to Monitoring, Recordkeeping and Reporting	16.8.2010
17.8.1213	Requirements for Air Quality Operating Permit Content Relating to Compliance	16.8.2011
17.8.1214	Requirements for Air Quality Operating Permit Content Relating to the Permit Shield and Emergencies	16.8.2012
17.8.1215	Requirements for Air Quality Operating Permit Content Relating to Operational Flexibility	16.8.2013
17.8.1220	Air Quality Operating Permit Issuance, Renewal, Reopening and Modification	16.8.2014
17.8.1221	Operation Without an Air Quality Operating Permit and Application Shield	16.8.2015
17.8.1222	General Air Quality Operating Permits	16.8.2016
17.8.1223	Temporary Air Quality Operating Permits	16.8.2017
17.8.1224	Additional Requirements for Operational Flexibility and Air Quality Operating Permit Changes that do not Require Revisions	16.8.2018
17.8.1225	Additional Requirements for Air Quality Operating Permit Amendments	16.8.2019
17.8.1226	Additional Requirements for Minor Air Quality Operating Permit Modifications	16.8.2020
17.8.1227	Additional Requirements for Significant Air Quality Operating Permit Modifications	16.8.2021
17.8.1228	Additional Requirements for Air Quality Operating Permit Revocation, Reopening and Revision for Cause	16.8.2022
17.8.1231	Notice of Termination, Modification, or Revocation and Reissuance by the Administrator for Cause	16.8.2023
17.8.1232	Public Participation	16.8.2024
17.8.1233	Permit Review by the Administrator and Affected States	16.8.2025
17.8.1234	Acid Rain – Permit Regulation	16.8.2026

Chapter 80 – Air and Water Quality – Tax Certification
Sub-chapter 1 – Tax Certification for Pollution Control Equipment

17.80.101	Definitions	16.9.101
17.80.102	Application for Certification as Air or Water Pollution Equipment	16.9.102
17.80.103	Eligibility Criteria	16.9.103
17.80.104	Apportionment Procedures	16.9.104
17.80.105	Compliance	16.9.105
17.80.106	Informal Conference	16.9.106

Appendix B INSIGNIFICANT EMISSION UNITS

Disclaimer: The information in this appendix is not State or Federally enforceable, but is presented to assist NorthWestern, the permitting authority, inspectors, and the public.

Pursuant to ARM 17.8.1201(22)(a), an insignificant emission unit means any activity or emissions unit located within a source that: (i) has a potential to emit less than 5 tons per year of any regulated pollutant; (ii) has a potential to emit less than 500 pounds per year of lead; (iii) has a potential to emit less than 500 pounds per year of hazardous air pollutants listed pursuant to Sec. 7412 (b) of the FCAA; and (iv) is not regulated by an applicable requirement, other than a generally applicable requirement that applies to all emission units subject to Subchapter 12.

List of Insignificant Activities

The following table of insignificant sources and/or activities was provided by NorthWestern. Because there are no requirements to update such a list, emission units and/or activities may have changed from those specified in the table.

Insignificant Emissions Unit ID	Description
IEU1	Process Gas Plant Heater (Volcano)
IEU2	All Building Heaters
IEU3	Fuel Gas Heater
IEU4	Propane Truck Venting
IEU5	Process Valves, Non-NSPS
IEU7	Gas Blow Down
IEU8	Fugitive Emissions from In-plant Vehicle Traffic
IEU9	Molecular Sieve Regeneration Heater
IEU10	Non-vented Propane Tank #1
IEU11	Non-vented Propane Tank #2
IEU12	Non-vented Butane Tank #1
IEU13	Non-vented Butane Tank #2
IEU14	Non-vented Y-Grade Tank #2

Appendix C DEFINITIONS and ABBREVIATIONS

"Act" means the Clean Air Act, as amended, 42 U.S. 7401, *et seq*.

"Administrative permit amendment" means an air quality operating permit revision that:

(a) Corrects typographical errors

(b) Identifies a change in the name, address or phone number of any person identified in the air quality operating permit, or identifies a similar minor administrative change at the source

(c) Requires more frequent monitoring or reporting by NorthWestern

(d) Requires changes in monitoring or reporting requirements that the Department deems to be no less stringent than current monitoring or reporting requirements

(e) Allows for a change in ownership or operational control of a source if the Department has determined that no other change in the air quality operating permit is necessary, consistent with ARM 17.8.1225

(f) Incorporates any other type of change, which the Department has determined to be similar to those revisions set forth in (a)-(e), above.

"Applicable requirement" means all of the following as they apply to emissions units in a source requiring an air quality operating permit (including requirements that have been promulgated or approved by the Department or the administrator through rule making at the time of issuance of the air quality operating permit, but have future-effective compliance dates; provided that such requirements apply to sources covered under the operating permit):

(a) Any standard, rule, or other requirement, including any requirement contained in a consent decree or judicial or administrative order entered into or issued by the Department, that is contained in the Montana state implementation plan approved or promulgated by the administrator through rule making under Title I of the FCAA

(b) Any federally enforceable term, condition or other requirement of any air quality preconstruction permit issued by the Department under subchapters 7, 8, 9 and 10 of this chapter, or pursuant to regulations approved or promulgated through rule making under Title I of the FCAA, including parts C and D

(c) Any standard or other requirement under Sec. 7411 of the FCAA, including Sec. 7411(d)

(d) Any standard or other requirement under Sec. 7412 of the FCAA, including any requirement concerning accident prevention under Sec. 7412(r)(7), but excluding the contents of any risk management plan required under Sec. 7412(r)

(e) Any standard or other requirement of the acid rain program under Title IV of the FCAA or regulations promulgated thereunder

(f) Any requirements established pursuant to Sec. 7661c(b) or Sec. 7414(a)(3) of the FCAA

(g) Any standard or other requirement governing solid waste incineration, under Sec. 7429 of the FCAA

(h) Any standard or other requirement for consumer and commercial products, under Sec. 7511b(e) of the FCAA

(i) Any standard or other requirement for tank vessels, under Sec. 7511b(f) of the FCAA

(j) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the administrator determines that such requirements need not be contained in an air quality operating permit

(k) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the FCAA, but only as it would apply to temporary sources permitted pursuant to section 7661c(e) of the FCAA

(l) Any federally enforceable term or condition of any air quality open burning permit issued by the Department under subchapter 6

"Department" means the Montana Department of Environmental Quality.

"Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 7412(b) of the FCAA. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the FCAA.

"FCAA" means the Federal Clean Air Act, as amended.

"Federally enforceable" means all limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the Montana state implementation plan, and any permit requirement established pursuant to 40 CFR 52.21,or under regulations approved pursuant to 40 CFR Part 51, Subpart I, including operating permits issued under an EPA approved program that is incorporated into the Montana state implementation plan and expressly requires adherence to any permit issued under such program.

"Fugitive emissions" means those emissions, which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"General air quality operating permit" or **"general permit"** means an air quality operating permit that meets the requirements of ARM 17.8.1222, covers multiple sources in a source category, and is issued in lieu of individual permits being issued to each source.

"Hazardous air pollutant" means any air pollutant listed as a hazardous air pollutant pursuant to section 112(b) of the FCAA.

"Non-federally enforceable requirement" means the following as they apply to emission units in a source requiring an air quality operating permit:

(a) Any standard, rule, or other requirement, including any requirement contained in a consent decree, or judicial or administrative order entered into or issued by the Department, that is not contained in the Montana state implementation plan approved or promulgated by the administrator through rule making under Title I of the FCAA

(b) Any term, condition or other requirement contained in any air quality preconstruction permit issued by the Department under Subchapters 7, 8, 9 and 10 of this chapter that is not federally enforceable

(c) Does not include any Montana ambient air quality standard contained in Subchapter 2 of this chapter

"Permittee" means the owner or operator of any source subject to the permitting requirements of this subchapter, as provided in ARM 17.8.1204, that holds a valid air quality operating permit or has submitted a timely and complete permit application for issuance, renewal, amendment, or modification pursuant to this subchapter.

"Regulated air pollutant" means the following:

(a) Nitrogen oxides or any volatile organic compounds

(b) Any pollutant for which a national ambient air quality standard has been promulgated

(c) Any pollutant that is subject to any standard promulgated under Sec. 7411 of the FCAA

(d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA

(e) Any pollutant subject to a standard or other requirement established or promulgated under Sec. 7412 of the FCAA, including, but not limited to, the following:

(i) Any pollutant subject to requirements under Sec. 7412(j) of the FCAA. If the administrator fails to promulgate a standard by the date established in Sec. 7412(e) of the FCAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established in Sec. 7412(e) of the FCAA; or

(ii) Any pollutant for which the requirements of Sec. 7412(g)(2) of the FCAA have been met, but only with respect to the individual source subject to Sec. 7412(g)(2) requirement.

"Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representative is approved in advance by the Department.

(b) For a partnership or sole proprietorship: a general partner or the proprietor; respectively.

(c) For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of the environmental protection agency).

(d) For affected sources: the designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated thereunder are concerned, and the designated representative for any other purposes under this subchapter.

Abbreviations

ARM	Administrative Rules of Montana
ASTM	American Society of Testing Materials
BACT	Best Available Control Technology
BDT	bone dry tons
BTU	British Thermal Unit
CFR	Code of Federal Regulations
CO	carbon monoxide
DEQ	Department of Environmental Quality
dscf	dry standard cubic feet
dscfm	dry standard cubic feet per minute
EPA	U.S. Environmental Protection Agency
EPA Method	Test methods contained in 40 CFR 60, Appendix A
EU	emissions unit
FCAA	Federal Clean Air Act
gr	grains
HAP	hazardous air pollutant
IEU	insignificant emissions unit
Mbdft	thousand board feet
Method 5	40 CFR 60, Appendix A, Method 5
Method 9	40 CFR 60, Appendix A, Method 9
MMbdft	million board feet
MMBTU	million British Thermal Units
NO_x	oxides of nitrogen
NO_2	nitrogen dioxide
O_2	oxygen
Pb	lead
PM	particulate matter
PM10	particulate matter less than 10 microns in size
psi	pounds per square inch
scf	standard cubic feet
SIC	Source Industrial Classification
SO_2	sulfur dioxide
SO_x	oxides of sulfur
tpy	tons per year
U.S.C.	United States Code
VE	visible emissions
VOC	volatile organic compound

Appendix D NOTIFICATION ADDRESSES

Compliance Notifications:

Montana Department of Environmental Quality
Permitting and Compliance Division
Air & Waste Management Bureau
P.O. Box 200901
Helena, MT 59620-0901

U.S. EPA Region VIII, Montana Office
Federal Office Building
10 West 15th Street, Suite 3200
Helena, MT 59626
Attention: Air Program Coordinator

Permit Modifications:

Montana Department of Environmental Quality
Permitting and Compliance Division
Air & Waste Management Bureau
P.O. Box 200901
Helena, MT 59620-0901

Office of Partnerships and Regulatory Assistance
Air and Radiation Program
US EPA Region VIII 8P-AR
999 18th Street, Suite 500
Denver, CO 80202-2466

Appendix E AIR QUALITY INSPECTOR INFORMATION

Disclaimer: The information in this appendix is not State or Federally enforceable, but is presented to assist the permittee, permitting authority, inspectors, and the public.

1. **Directions to Plant:** The facility is located approximately 4.0 miles southeast of Cut Bank, Montana along Highway 2.

2. **Safety Equipment Required:** Hardhat, safety glasses, and hearing protection are required at the facility. In addition to the above mentioned items, and at the direction of a representative of NorthWestern, additional PPE may be required, including, but not limited to, Nomex clothing, respirators, etc.

3. **Facility Plot Plan:** The facility plot plan was submitted on July 11, 1995, as part of the original Operating Permit Application.

Appendix F 40 CFR, SUBPART KKK

(CFR) PART 60, SUBPART KKK - Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.
(TITLE 40) (PART 60) (SUBPART KKK)
SOURCE: 50 FR 26124, June 24, 1985, unless otherwise noted.

§60.630 Applicability and designation of affected facility.
(a)(1) The provisions of this subpart apply to affected facilities in onshore natural gas processing plants.
(2) A compressor in VOC service or in wet gas service is an affected facility.
(3) The group of all equipment except compressors (defined in §60.631) within a process unit is an affected facility.
(b) Any affected facility under paragraph (a) of this section that commences construction, reconstruction, or modification after January 20, 1984, is subject to the requirements of this subpart.
(c) Addition or replacement of equipment (defined in §60.631) for the purpose of process improvement that is accomplished without a capital expenditure shall not by itself be considered a modification under this subpart.
(d) Facilities covered by subpart VV or subpart GGG of 40 CFR part 60 are excluded from this subpart.
(e) A compressor station, dehydration unit, sweetening unit, underground storage tank, field gas gathering system, or liquefied natural gas unit is covered by this subpart if it is located at an onshore natural gas processing plant. If the unit is not located at the plant site, then it is exempt from the provisions of this subpart.

§60.631 Definitions.
As used in this subpart, all terms not defined herein shall have the meaning given them in the Act, in subpart A or subpart VV of part 60; and the following terms shall have the specific meanings given them.

Alaskan North Slope means the approximately 69,000 square-mile area extending from the Brooks Range to the Arctic Ocean.

Equipment means each pump, pressure relief device, open-ended valve or line, valve, compressor, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this subpart.

Field gas means feedstock gas entering the natural gas processing plant.

In light liquid service means that the piece of equipment contains a liquid that meets the conditions specified in 60.485(e) or §60.633(h)(2).

In wet gas service means that a piece of equipment contains or contacts the field gas before the extraction step in the process.

Natural gas liquids means the hydrocarbons, such as ethane, propane, butane, and pentane, that are extracted from field gas.

Natural gas processing plant (gas plant) means any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both.

Nonfractionating plant means any gas plant that does not fractionate mixed natural gas liquids into natural gas products.

Onshore means all facilities except those that are located in the territorial seas or on the outer continental shelf.

Process unit means equipment assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products.

Reciprocating compressor means a piece of equipment that increases the pressure of a process gas by positive displacement, employing linear movement of the driveshaft.

§60.632 Standards.
(a) Each owner or operator subject to the provisions of this subpart shall comply with the requirements of §60.482-1 (a), (b), and (d) and 60.482-2 through 60.482-10, except as provided in 60.633, as soon as practicable, but no later than 180 days after initial startup.
(b) An owner or operator may elect to comply with the requirements of §60.483-1 and 60.483-2.
(c) An owner or operator may apply to the Administrator for permission to use an alternative means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to that achieved by the controls required in this subpart. In doing so, the owner or operator shall comply with requirements of §60.634 of this subpart.
(d) Each owner or operator subject to the provisions of this subpart shall comply with the provisions of §60.485 except as provided in §60.633(f) of this subpart.
(e) Each owner or operator subject to the provisions of this subpart shall comply with the provisions of §60.486 and 60.487 except as provided in §60.633, 60.635, and 60.636 of this subpart.
(f) An owner or operator shall use the following provision instead of §60.485(d)(1): Each piece of equipment is presumed to be in VOC service or in wet gas service unless an owner or operator demonstrates that the piece of equipment is not in VOC service or in wet gas service. For a piece of equipment to be considered not in VOC service, it must be determined that the percent VOC content can be reasonably expected never to exceed 10.0 percent by weight. For a piece of equipment to be considered in wet gas service, it must be determined that it contains or contacts the field gas before the extraction step in the process. For purposes of determining the percent VOC content of the process fluid that is contained in or contacts a piece of equipment, procedures that conform to the methods described in ASTM Methods E169, E168, or E260 (incorporated by reference as specified in §60.17) shall be used.

§60.633 Exceptions.
(a) Each owner or operator subject to the provisions of this subpart may comply with the following exceptions to the provisions of subpart VV.
(b)(1) Each pressure relief device in gas/vapor service may be monitored quarterly and within 5 days after each pressure release to detect leaks by the methods specified in §60.485(b) except as provided in §60.632(c), paragraph (b)(4) of this section, and §60.482-4 (a) through (c) of subpart VV.
(2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
(3)(i) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after it is detected, except as provided in §60.482-9.
(ii) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.
(4)(i) Any pressure relief device that is located in a nonfractionating plant that is monitored only by nonplant personnel may be monitored after a pressure release the next time the monitoring personnel are on site, instead of within 5 days as specified in paragraph (b)(1) of this section and §60.482-(b)(1) of subpart VV.
(ii) No pressure relief device described in paragraph (b)(4)(i) of this section shall be allowed to operate for more than 30 days after a pressure release without monitoring.
(c) Sampling connection systems are exempt from the requirements of §60.482-5.
(d) Pumps in light liquid service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service that are located at a nonfractionating plant that does not have the design capacity to process 283,000 standard cubic meters per day (scmd) (10 million standard cubic feet per day (scfd)) or more of field gas are exempt from the routine monitoring requirements of §60.482-2(a)(1) and 60.482-7(a), and paragraph (b)(1) of this section.
(e) Pumps in light liquid service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service within a process unit that is located in the Alaskan North Slope are exempt from the routine monitoring requirements of §60.482-2(a)(1), 60.482-7(a), and paragraph (b)(1) of this section.
(f) Reciprocating compressors in wet gas service are exempt from the compressor control requirements of §60.482-3.
(g) Flares used to comply with this subpart shall comply with the requirements of §60.18.
(h) An owner or operator may use the following provisions instead of §60.485(e):
(1) Equipment is in heavy liquid service if the weight percent evaporated is 10 percent or less at 150 1C as determined by ASTM Method D86 (incorporated by reference as specified in §60.17).

(2) Equipment is in light liquid service if the weight percent evaporated is greater than 10 percent at 150 1C as determined by ASTM Method D86 (incorporated by reference as specified in §60.17).
(50 FR 26124, June 24, 1985, as amended at 51 FR 2702, Jan. 21, 1986)

§60.634 Alternative means of emission limitation.

(a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in VOC emissions at least equivalent to the reduction in VOC emissions achieved under any design, equipment, work practice or operational standard, the Administrator will publish, in the FEDERAL REGISTER a notice permitting the use of that alternative means for the purpose of compliance with that standard. The notice may condition permission on requirements related to the operation and maintenance of the alternative means.

(b) Any notice under paragraph (a) of this section shall be published only after notice and an opportunity for a public hearing.

(c) The Administrator will consider applications under this section from either owners or operators of affected facilities, or manufacturers of control equipment.

(d) The Administrator will treat applications under this section according to the following criteria, except in cases where he concludes that other criteria are appropriate:

(1) The applicant must collect, verify and submit test data, covering a period of at least 12 months, necessary to support the finding in paragraph (a) of this section.

(2) If the applicant is an owner or operator of an affected facility, he must commit, in writing, to operate and maintain the alternative means so as to achieve a reduction in VOC emissions at least equivalent to the reduction in VOC emissions achieved under the design, equipment, work practice or operational standard.

§60.635 Recordkeeping requirements.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the requirements of paragraphs (b) and (c) of this section in addition to the requirements of §60.486.
(b) The following recordkeeping requirements shall apply to pressure relief devices subject to the requirements of §60.633(b)(1) of this subpart.

(1) When each leak is detected as specified in §60.633(b)(2), a weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment. The identification on the pressure relief device may be removed after it has been repaired.
(2) When each leak is detected as specified in §60.633(b)(2), the following information shall be recorded in a log and shall be kept for 2 years in a readily accessible location:
(i) The instrument and operator identification numbers and the equipment identification number.
(ii) The date the leak was detected and the dates of each attempt to repair the leak.
(iii) Repair methods applied in each attempt to repair the leak.
(iv) "Above 10,000 ppm" if the maximum instrument reading measured by the methods specified in paragraph (a) of this section after each repair attempt is 10,000 ppm or greater.
(v) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
(vi) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a process shutdown.
(vii) The expected date of successful repair of the leak if a leak is not repaired within 15 days.
(viii) Dates of process unit shutdowns that occur while the equipment is unrepaired.
(ix) The date of successful repair of the leak.
(x) A list of identification numbers for equipment that are designated for no detectable emissions under the provisions of §60.482-4(a). The designation of equipment subject to the provisions of §60.482-4(a) shall be signed by the owner or operator.
(c) An owner or operator shall comply with the following requirement in addition to the requirement of §60.486(j): Information and data used to demonstrate that a reciprocating compressor is in wet gas service to apply for the exemption in §60.633(f) shall be recorded in a log that is kept in a readily accessible location.

§60.636 Reporting requirements.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the requirements of paragraphs (b) and (c) of this section in addition to the requirements of §60.487.

(b) An owner or operator shall include the following information in the initial semiannual report in addition to the information required in §60.487(b) (1)-(4): Number of pressure relief devices subject to the requirements of §60.633(b) except for those pressure relief devices designated for no detectable emissions under the provisions of §60.482-4(a) and those pressure relief devices complying with §60.482-4(c).

(c) An owner or operator shall include the following information in all semiannual reports in addition to the information required in §60.487(c)(2) (i) through (vi):
(1) Number of pressure relief devices for which leaks were detected as required in §60.633(b)(2);
(2) Number of pressure relief devices for which leaks were not repaired as required in §60.633(b)(3).