Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
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November 16, 2009

Ms. Amy Gross
ConocoPhillips Company
2626 Lillian Avenue
Billings, MT 59101

RE: Final Title V Operating Permit #OP2946-06

Dear Ms. Gross:

The Department of Environmental Quality has prepared the enclosed Final Operating Permit #OP2946-06, for ConocoPhillips Company's Great Falls Bulk Terminal, located in Great Falls, Montana. Please review the cover page of the attached permit for information pertaining to the action taking place on Permit #OP2946-06.

If you have any questions, please contact Shawn Juers, the permit writer, at (406) 444-2049 or by email at sjuers@mt.gov.

Sincerely,

Vickie Walsh
Air Permitting Program Supervisor
Air Resources Management Bureau
(406) 444-9741

Shawn Juers
Environmental Engineer
Air Resources Management Bureau
(406) 444-2049

VW:SJ
Enclosure
cc: Christopher Ajayi, US EPA Region VIII 8P-AR
Betsy Burns, US EPA Region VIII, Montana Office
Frances Nunn, ConocoPhillips

STATE OF MONTANA
Department of Environmental Quality
Helena, Montana 59620

AIR QUALITY OPERATING PERMIT OP2946-06

Issued to: **ConocoPhillips Company**
Great Falls Product Terminal
2626 Lillian Ave
Billings, MT 59101

Final Date: **11/14/2009**
Expiration Date: **11/14/2014**

Effective Date: **11/14/2009**
Date of Decision: **10/14/2009**
End of EPA 45-day Review: **10/13/2009**
Proposed Issue Date: **08/27/2009**
Draft Issue Date: **07/27/2009**

Application Deemed Technically Complete: **09/29/2008**
Application Deemed Administratively Complete: **08/29/2008**
Renewal Application Received: **07/31/2008**
AFS Number: **030-013-0022A**

Permit Issuance and Appeal Processes: In accordance with Montana Code Annotated (MCA) Sections 75-2-217 and 218 and the Administrative Rules of Montana (ARM), ARM Title 17, Chapter 8, Subchapter 12, Operating Permit Program, this operating permit is hereby issued by the Department of Environmental Quality (Department) as effective and final on November 14, 2009. This cover sheet must be attached to the Date of Decision issued on October 14, 2009, and the permit must be kept on-site at the above named facility.

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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: ConocoPhillips Company

Mailing Address: 2626 Lillian Avenue

City: Billings State: Montana Zip: 59101

Plant Location: NW¼ of Section 3, Township 20 North, Range 4 East, in Cascade County

Plant Address: 1401 52nd Street North

City: Great Falls State: Montana Zip: 59405

Responsible Official: Amy Gross Phone: (406) 255-5710

Facility Contact Person: Frances Nunn Phone: (406) 255-5714

Primary SIC Code: 5171

Nature of Business: Wholesale distribution of gasoline and distillates

Description of Process: The ConocoPhillips Company Great Falls Product Terminal operates a bulk gasoline terminal, which stores and transfers gasoline and distillates received from the pipeline and distributes them to regional markets via cargo tank (tank truck).

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	Loading Rack	Submerged fill and dedicated normal service and/or switch-loaded service
EU002	2,520,000-gallon Tank T-90	External floating roof
EU003	1,512,000-gallon Tank T-91	External floating roof
EU004	1,512,000-gallon Tank T-92	Vertical fixed roof
EU005	1,512,000-gallon Tank T-93	Vertical fixed roof
EU006	1,050,000-gallon Tank T-94	External floating roof
EU007	21,000-gallon Tank T-95 Off Spec Product	Vertical fixed roof
EU008	Fugitive emissions from valves, flanges, pump seals, provers, wastewater sumps, connections, meter proving, and open-ended lines and miscellaneous emissions from additive tanks, tank cleaning, tank roof landings, and rack drains.	Fugitive Emissions Sources: Inspections to minimize excess fugitive emissions

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

Conditions	Rule Citation	Rule Description	Pollutant/Parameter	Limit
A.1	ARM 17.8.105	Testing Requirements	Testing Requirements	-------
A.2	ARM 17.8.304(1)	Visible Air Contaminants	Opacity	40%
A.3	ARM 17.8.304(2)	Visible Air Contaminants	Opacity	20%
A.4	ARM 17.8.308(1)	Particulate Matter, Airborne	Fugitive Opacity	20%
A.5	ARM 17.8.308(2)	Particulate Matter, Airborne	Reasonable Precautions	-------
A.6	ARM 17.8.308	Particulate Matter, Airborne	Reasonable Precaution, Construction	20%
A.7	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.8	ARM 17.8.310	Particulate Matter, Industrial Processes	Particulate Matter	$E= 4.10 * P^{0.67}$ or $E= 55 * P^{0.11} - 40$
A.9	ARM 17.8.322(4)	Sulfur Oxide Emissions, Sulfur in Fuel	Sulfur in Fuel (liquid or solid fuels)	1 lb/MMBtu fired
A.10	ARM 17.8.322(5)	Sulfur Oxide Emissions, Sulfur in Fuel	Sulfur in Fuel (gaseous)	50 gr/100 CF
A.11	ARM 17.8.324(3)	Hydrocarbon Emissions, Petroleum Products	Gasoline Storage Tanks	-------
A.12	ARM 17.8.324	Hydrocarbon Emissions, Petroleum Products	65,000 Gallon Capacity	-------
A.13	ARM 17.8.324	Hydrocarbon Emissions, Petroleum Products	Oil-effluent Water Separator	-------
A.14	ARM 17.8.342	NESHAPs General Provisions	SSM Plans	Submittal
A.15	ARM 17.8.342	40 CFR 63, Subpart BBBBBB	40 CFR 63, Subpart BBBBBB	As Applicable
A.16	ARM 17.8.1212	Reporting Requirements	Prompt Deviation Reporting	-------
A.17	ARM 17.8.1212	Reporting Requirements	Compliance Monitoring	-------
A.18	ARM 17.8.1207	Reporting Requirements	Annual Certification	-------

Conditions

A.1. Pursuant to ARM 17.8.105, any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.

Compliance demonstration frequencies that list “as required by the Department” refer to ARM 17.8.105. In addition, for such sources, compliance with limits and conditions listing “as required by the Department” as the frequency, is verified annually using emission factors and engineering calculations by the Department’s compliance inspectors during the annual emission inventory review; in the case of Method 9 tests, compliance is monitored during the regular inspection by the compliance inspector.

A.2. Pursuant to ARM 17.8.304(1), ConocoPhillips 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.3. Pursuant to ARM 17.8.304(2), ConocoPhillips 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.

A.4. Pursuant to ARM 17.8.308(1), ConocoPhillips 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.

A.5. Pursuant to ARM 17.8.308(2), ConocoPhillips 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.

A.6. Pursuant to ARM 17.8.308, ConocoPhillips 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 averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit.

A.7. Pursuant to ARM 17.8.309, unless otherwise specified by rule or in this permit, ConocoPhillips 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:

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 million British thermal units (MMBtu) per hour and E is the maximum allowable particulate emissions rate in pounds per MMBtu.

A.8. Pursuant to ARM 17.8.310, unless otherwise specified by rule or in this permit, ConocoPhillips shall not cause or authorize particulate matter to be discharged from any operation, process, or activity into the outdoor atmosphere in excess of the maximum hourly allowable emissions of particulate matter calculated using the following equations:

For process weight rates up to 30 tons per hour: $E = 4.10 * P^{0.67}$
For process weight rates in excess of 30 tons per hour: $E = 55.0 * P^{0.11} – 40$

Where E = rate of emissions in pounds per hour and P = process weight rate in tons per hour.

A.9. Pursuant to ARM 17.8.322(4), ConocoPhillips shall not burn liquid or solid fuels containing sulfur in excess of 1 pound per MMBtu fired, unless otherwise specified by rule or in this permit.

A.10. Pursuant to ARM 17.8.322(5), ConocoPhillips 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.

A.11. Pursuant to ARM 17.8.324(3), ConocoPhillips shall not load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is equipped with a vapor loss control device or is a pressure tank as described in ARM 17.8.324(1), unless otherwise specified by rule or in this permit.

A.12. Pursuant to ARM 17.8.324, unless otherwise specified by rule or in this permit, ConocoPhillips shall not place, store or hold in any stationary tank, reservoir or other container of more than 65,000 gallon capacity any crude oil, gasoline or petroleum distillate having a vapor pressure of 2.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with a vapor loss control device, properly installed, in good working order and in operation.

A.13. Pursuant to ARM 17.8.324, unless otherwise specified by rule or in this permit, ConocoPhillips shall not use any compartment of any single or multiple-compartment oil-effluent water separator, which compartment receives effluent water containing 200 gallons a day or more of any petroleum product from any equipment processing, refining, treating, storing or handling kerosene or other petroleum product of equal or greater volatility than kerosene, unless such compartment is equipped with a vapor loss control device, constructed so as to prevent emission of hydrocarbon vapors to the atmosphere, properly installed, in good working order and in operation.

A.14. Pursuant to ARM 17.8.342 and 40 CFR 63.6, ConocoPhillips shall submit to the Department a copy of any startup, shutdown, and malfunction (SSM) plan required under 40 CFR 63.6(e)(3) within 30 days of the effective date of this operating permit (if not previously submitted), within 30 days of the compliance date of any new National Emission Standard for Hazardous Air Pollutants (NESHAPs) or Maximum Achievable Control Technology (MACT) standard, and within 30 days of the revision of any such SSM plan, when applicable. The Department requests submittal of such plans in electronic form, when possible.

A.15. Pursuant to ARM 17.8.342 and 40 CFR 63, Subpart BBBBBB, ConocoPhillips shall comply with the applicable emissions limitations, management practices, testing, monitoring, notification, recordkeeping, and reporting requirements of 40 CFR 63, Subpart BBBBBB by the compliance dates specified in the rule.

A.16. ConocoPhillips shall promptly report deviations from permit requirements including those attributable to upset conditions, as upset is defined in the permit. To be considered prompt, deviations shall be reported to the Department using the schedule and content as described in Section V.E (unless otherwise specified in an applicable requirement) (ARM 17.8.1212).

A.17. On or before February 15 and August 15 of each year, ConocoPhillips shall 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 February 15 of each year, ConocoPhillips 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.18. By February 15 of each year, ConocoPhillips shall submit to the Department the compliance certification required by Section V.B. The annual certification 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: Loading Rack

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
B.1., B.5., B.8., B.10.	Opacity	40%	Submerged fill and dedicated normal service and/or switch-loaded service	Ongoing	Semiannual
B.2., B.6., B.8., B.10.	Tank truck	Submerged fill and dedicated normal service and/or switch-loaded service	Log any instance in which submerged fill and dedicated normal service and/or switch–loaded service is not used		
B.3., B.7., B.9., B.10.	Operational limits of gasoline	88,200,000 gallons	Log gasoline throughput for the truck loading rack		
B.4., B.7., B.9., B.10.	Operational limits of distillate products	88,200,000 gallons	Log distillate throughput for the truck loading rack		

Conditions

B.1. ConocoPhillips shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibits an opacity of 40% or greater averaged over 6 consecutive minutes (ARM 17.8.304(1)).

B.2. Loading of cargo tanks shall be restricted to the use of submerged fill and dedicated normal service and/or switch-loaded service (ARM 17.8.749).

B.3. ConocoPhillips shall be limited to a maximum of 88,200,000 gallons of gasoline throughput for the truck loadout operations during any 12-month rolling period (ARM 17.8.749).

B.4. ConocoPhillips shall be limited to a maximum of 88,200,000 gallons of distillate product throughput for the truck loadout operations during any 12-month rolling period (ARM 17.8.749).

Compliance Demonstration

B.5. Compliance with the opacity limit may be satisfied with the ongoing use of the submerged fill and dedicated normal service and/or switch-loaded service (ARM 17.8.1213).

B.6. ConocoPhillips shall document in a log any instance during which submerged fill and dedicated normal service and/or switch loaded service is not used on an ongoing basis when loading cargo tanks. The log entries shall include date, time, duration, and operators initials (ARM 17.8.1213).

B.7. ConocoPhillips shall log, by month, the throughput of gasoline and distillate products for the truck loadout operations. By the 25th of each month, ConocoPhillips shall total the amount of throughput by fuel for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitations in Sections III.B.3 and III.B.4. The information for each of the previous months shall be maintained on-site and must be submitted to the Department upon request (ARM 17.8.1213).

Recordkeeping

B.8. ConocoPhillips shall maintain the records as described in Sections III.B.6 and III.B.7. The records/logs as described shall be maintained on-site and submitted to the Department upon request (ARM 17.8.1212).

Reporting

B.9. The annual compliance certification required by Section V.B must contain a certification statement for the above applicable requirements (ARM 17.8.1212).

B.10. A semiannual monitoring report shall provide (ARM 17.8.1212):

a. Summary of any log entries noting any instance during which submerged fill and dedicated normal service and/or switch loaded service was not used when loading cargo tanks; and

b. The throughput of both the gasoline and distillate products for the truck loadout operation by month and the total throughput of the operation for the previous 12 months as required by Section III.B.7.

C. EU002, EU003, and EU006: Gasoline Tanks

One 2,520,000-gallon Tank T-90, one 1,512,000-gallon Tank T-91, and one 1,050,000-gallon Tank T-94

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
C.1., C.3., C.5., C.7., C.8., C.9.	Opacity	40%	Method 9	As required by the Department and Section III.A.1.	Semiannual
C.2., C.4., C.6., C.7., C.8., C.9.	Vapor loss control device	External floating roof	Annual inspection	Annually	

Conditions

C.1. ConocoPhillips shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibits an opacity of 40% or greater averaged over 6 consecutive minutes (ARM 17.8.304(1)).

C.2. ConocoPhillips' tanks shall be equipped with vapor loss control device that are properly installed, in good working order, and in operation (ARM 17.8.324).

Compliance Demonstration

C.3. As required by the Department and Section III.A.1., ConocoPhillips shall perform a Method 9 test in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106). Each observation period shall be a minimum of 6 minutes unless any one reading is 40% or greater, then the observation period shall be a minimum of 20 minutes or until a violation of the standard has been documented, whichever is a shorter period of time. (ARM 17.8.1213).

C.4. When the tanks are in operation, ConocoPhillips shall use and annually inspect the external floating roofs installed on the tanks as required in Section III.C.2. (ARM 17.8.1213).

Recordkeeping

C.5. Method 9 test reports must be maintained on-site and must be submitted to the Department upon request. All compliance source test recordkeeping shall be performed in accordance with the test method used and the Montana Source Test Protocol and Procedures Manual, and shall be maintained on site (ARM 17.8.106 and ARM 17.8.1212).

C.6. ConocoPhillips shall annually log the inspection of the external floating roofs installed on the tanks as required by Section III.C.4. (ARM 17.8.1212).

Reporting

C.7. ConocoPhillips shall submit test results in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106 and ARM 17.8.1212).

C.8. The annual compliance certification required by Section V.B must contain a certification statement for the above applicable requirements (ARM 17.8.1212).

C.9. A semiannual monitoring report shall provide (ARM 17.8.1212):

a. The results of any Method 9 tests performed during that semiannual period as required by Section III.C.3.; and

b. A summary of the results of the inspection log for the external floating roofs on the tanks as required in Section III.C.6.

D. EU004, EU005, and EU007: Distillate and Off Spec Product Tanks

Two 1,512,000 gallon tanks T-92 and T-93 holding distillate, and one 21,000 gallon tank T-95 holding Off -Spec Product.

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
D.1., D.2., D.3., D.4., D.5., D.6.	Opacity	40%	Method 9	As required by the Department and Section III.A.1.	Semiannual

Conditions

D.1. ConocoPhillips shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibits an opacity of 40% or greater averaged over 6 consecutive minutes (ARM 17.8.304(1)).

Compliance Demonstration

D.2. As required by the Department and Section III.A.1., ConocoPhillips shall perform a Method 9 test in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106). Each observation period shall be a minimum of 6 minutes unless any one reading is 40% or greater, then the observation period shall be a minimum of 20 minutes or until a violation of the standard has been documented, whichever is a shorter period of time (ARM 17.8.1213).

Recordkeeping

D.3. Method 9 test reports must be maintained on-site and must be submitted to the Department upon request. All compliance source test recordkeeping shall be performed in accordance with the test method used and the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106 and ARM 17.8.1213).

Reporting

D.4. ConocoPhillips shall submit test reports in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106 ARM 17.8.1212).

D.5. The annual compliance certification required by Section V.B must contain a certification statement for the above applicable requirements (ARM 17.8.1212).

D.6. A semiannual monitoring report shall provide the results of any Method 9 tests performed during that semiannual period as required in Section III.D.2. (ARM 17.8.1212).

E. EU008: Fugitive and Miscellaneous Emissions

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Compliance Demonstration Frequency	Reporting Requirements
E.1., E.3., E.5., E.7., E.8., E.9.	Opacity	20%	Method 9	As required by the Department and Section III.A.1.	Semiannual
E.2., E.4., E.6., E.7., E.8., E.9.	VOC	Inspection and repair	Inspection and repair	Each calendar month	

Conditions

E.1. ConocoPhillips 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)).

E.2. ConocoPhillips shall inspect all valves, flanges, meters, pump seals, and open-ended lines for total organic compound leaks each calendar month. For purposes of this requirement, detection methods incorporating sight, sound, or smell are acceptable. For any leak discovered ConocoPhillips shall (ARM 17.8.749):

a. Make a first attempt at repair for any leak not later than 5 calendar days after the leak is detected;

b. Repair any leak as soon as practicable, but no later than 15 calendar days after it is detected, except as required by Section III.E.2.(c) below; and

c. Delay of repair of equipment for which a leak had been detected will be allowed if repair is technically infeasible without a source shutdown. Such equipment shall be repaired before the end of the first source shutdown after detection of the leak.

Compliance Demonstration

E.3. As required by the Department and Section III.A.1., ConocoPhillips shall perform a Method 9 test in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106). Each observation period shall be a minimum of 6 minutes unless any one reading is 20% or greater, then the observation period shall be a minimum of 20 minutes or until a violation of the standard has been documented, whichever is a shorter period of time (ARM 17.8.1213).

E.4. The following information shall be recorded in a log and maintained on-site during each monthly inspection (ARM 17.8.1213):

a. Date of inspection;

b. Findings (may indicate no leaks discovered or location, nature, and severity of each leak);

c. Leak determination method;

d. Corrective action (date each leak was repaired and reasons for any repair interval in excess of 15 calendar days); and

e. Inspector's name and signature.

Recordkeeping

E.5. Method 9 test reports must be maintained on-site and must be submitted to the Department upon request. All compliance source test recordkeeping shall be performed in accordance with the test method used and the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106 and ARM 17.8.1212).

E.6. ConocoPhillips shall maintain the log for leak inspections as required by Section III.E.4 (ARM 17.8.1212).

Reporting

E.7. ConocoPhillips shall submit test reports in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106 and ARM 17.8.1212).

E.8. The annual compliance certification required by Section V.B must contain a certification statement for the above applicable requirements (ARM 17.8.1212).

E.9. A semiannual monitoring report shall provide (ARM 17.8.1212):

a. The results of any Method 9 test performed during that semiannual period as required in Section III.E.3.; and

b. A summary of the log for leak inspections as required by Section III.E.6., including any corrective action that was taken for any detected leak.

SECTION IV. NON-APPLICABLE REQUIREMENTS

Air Quality Administrative Rules of Montana (ARM) and Federal Regulations identified as not applicable to the facility or to a specific emissions unit at the time of the permit issuance are listed below (ARM 17.8.1214). The following list does not preclude the need to comply with any new requirements that may become applicable during the permit term.

A. Facility-Wide

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

Rule Citation		Reason
State	Federal	
ARM 17.8.610		These requirements are not applicable because the facility is not in this source category.
	40 CFR 72-78	These requirements are not applicable because the facility is not an affected source as defined by the acid rain regulations.
	40 CFR 68 40 CFR 82	These requirements are not applicable because the facility is not an affected source as defined in these regulations.
	Section 129 FCAA Section 183(e) FCAA	Not Applicable
	40 CFR 60, Subpart XX	These requirements are not applicable because the source was constructed prior to the affective date promulgated by the regulation.
	40 CFR 63, Subpart R	The requirements are no longer applicable because the facility is limited to keep emissions below the threshold levels.
	40 CFR 60, Subpart Kb	These requirements are no longer applicable because the facility has not built the Transmix Tank for which these regulations would apply. All other tanks are not subject to this rule.

B. Emission Units

The permit application identified applicable requirements: non-applicable requirements for individual or specific emission units were not listed. The Department has listed non-applicable requirements in Section IV.A. These requirements relate to each specific unit, as well as facility wide.

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 February 15 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 and condition during the certification period, consistent with ARM 17.8.1212;

   c. The status of compliance with each term and condition for the period covered by the certification, *including whether compliance during the period was continuous or intermittent*;

   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; and

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 & O).

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; and

   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 February 15 and August 15 of each year, or more frequently if otherwise specified in an applicable requirement or elsewhere in the permit. The monitoring report submitted on February 15 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 August 15 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 to the Department within the following timeframes (unless otherwise specified in an applicable requirement):

1. For deviations which may result in emissions potentially in violation of permit limitations:

   a. An initial phone notification (or faxed or electronic notification) describing the incident within 24 hours (or the next business day) of discovery; and,

   b. A follow-up written, faxed, or electronic report within 30 days of discovery of the deviation that describes the probable cause of the reported deviation and any corrective actions or preventative measures taken.

2. For deviations attributable to malfunctions, deviations shall be reported to the Department in accordance with the malfunction reporting requirements under ARM 17.8.110; and

3. For all other deviations, deviations shall be reported to the Department via a written, faxed, or electronic report within 90 days of discovery (as determined through routine internal review by the permittee).

Prompt deviation reports do not need to be resubmitted with regular semiannual (or other routine) reports, but may be referenced by the date of submittal.

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; and

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; and

   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 a Montana Air Quality Permit under ARM Title 17, Chapter 8, Subchapter 7;

   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; and

   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; and

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; or

   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)

This permit may be reopened and revised under the following circumstances:

1. 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);

2. 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;

3. 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; or

4. 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. Montana Air Quality Permits

ARM 17.8, Subchapter 7, Permit, Construction and Operation of Air Contaminant Sources §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, modify 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, 748, and 764.

3. ARM 17.8.745(1) specifies de minimis changes as construction or changed conditions of operation at a facility holding a Montana Air Quality Permit (MAQP) 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 MAQP 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 Montana Air Quality Permitting; or

   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) (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; and

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 INSIGNIFICANT EMISSION UNITS

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

Pursuant to ARM 17.8.1201(22)(a), an insignificant emissions 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:

ConocoPhillips provided the following table of insignificant sources and/or activities. Because there are no requirements to update such a list, the emission units and/or activities may change from those specified in the table.

Insignificant Emissions Unit ID	Description
IEU1	Miscellaneous Emissions (tank cleaning, additive tanks emissions, and meter proving)

Appendix B 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 ConocoPhillips;

(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; or

(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 emission 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 Montana Air Quality 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 Sec. 7661c(e) of the FCAA; or

(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 Sec. 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 Sec. 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 Montana Air Quality 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; or

(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 Section 7412(e) of the FCAA;

(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 foot
dscfm	dry standard cubic foot per minute
EEAP	Emergency Episode Action Plan
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
NOx	oxides of nitrogen
NO_2	nitrogen dioxide
O_2	oxygen
Pb	lead
PM	particulate matter
PM10	particulate matter less than 10 microns in size
ppm	parts per million
psi	pounds per square inch
scf	standard cubic feet
SIC	Source Industrial Classification
SO_2	sulfur dioxide
SOx	oxides of sulfur
TOC	total organic compound
tpy	tons per year
U.S.C.	United States Code
VE	visible emissions
VOC	volatile organic compound
VOL	volatile organic liquid

Appendix C NOTIFICATION ADDRESSES

Compliance Notifications:

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

United States EPA
Air Program Coordinator
Region VIII, Montana Office
10 W. 15th Street, Suite 3200
Helena, MT 59626

Permit Modifications:

Montana Department of Environmental Quality
Permitting and Compliance Division
Air Resources 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
1595 Wynkoop Street
Denver, CO 80202-1129

Appendix D AIR QUALITY INSPECTOR INFORMATION

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

1. **Directions to Plant**: The Terminal is located just east of the Great Falls city limits at the intersection of Highway 87 and 52nd Street North. The Terminal address is 1401 52nd Street North.

2. **Safety Equipment Required**: Hardhat, steel-toed shoes/boots, and hearing protection (ear plugs will be provided by ConocoPhillips) are required at the facility. A detailed safety manual is available at the site, and a ConocoPhillips employee will conduct a safety briefing for any inspector prior to entering the plant area.

3. **Facility Plot Plan**: The facility plot plan was submitted as part of the original Title V application on June 10, 1996.