

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OPERATING PERMIT TECHNICAL REVIEW DOCUMENT**

**Permitting and Compliance Division
1520 E. Sixth Avenue
P.O. Box 200901
Helena, Montana 59620-0901**

ConocoPhillips Company – Bozeman Product Terminal
NE¼ of Section 6, Township 2 South, Range 6 East, in Gallatin County
318 West Griffin Drive
Bozeman, Montana 59715

The following table summarizes the air quality programs testing, monitoring, and reporting requirements applicable to this facility.

Facility Compliance Requirements	Yes	No	Comments
Source Tests Required	xx		Method 9
Ambient Monitoring Required		xx	
COMS Required		xx	
CEMS Required		xx	
Schedule of Compliance Required		xx	
Annual Compliance Certification and Semiannual Reporting Required	xx		As Applicable
Monthly Reporting Required	xx		As Applicable
Quarterly Reporting Required		xx	
Applicable Air Quality Programs			
ARM Subchapter 7 – Montana Air Quality Permit	xx		MAQP #2945-04
New Source Performance Standards (NSPS)		xx	
National Emission Standards for Hazardous Air Pollutants (NESHAPS)		xx	
Maximum Achievable Control Technology (MACT)	xx		40 CFR 63, Subpart BBBBBB
Major New Source Review (NSR) – includes Prevention of Significant Deterioration (PSD) and/or Non-attainment Area (NAA) NSR		xx	
Risk Management Plan Required (RMP)		xx	
Acid Rain Title IV		xx	
Compliance Assurance Monitoring (CAM)		xx	
State Implementation Plan (SIP)	xx		General SIP

TABLE OF CONTENTS

SECTION I. GENERAL INFORMATION..... 3

- A. PURPOSE..... 3
- B. FACILITY LOCATION 3
- C. FACILITY BACKGROUND INFORMATION 3
- D. CURRENT PERMIT ACTION 4
- E. TAKING AND DAMAGING ANALYSIS..... 4
- F. COMPLIANCE DESIGNATION 5

SECTION II. SUMMARY OF EMISSION UNITS 6

- A. FACILITY PROCESS DESCRIPTION 6
- B. EMISSION UNITS AND POLLUTION CONTROL DEVICE IDENTIFICATION 6
- C. CATEGORICALLY INSIGNIFICANT SOURCES/ACTIVITIES 6

SECTION III. PERMIT CONDITIONS 7

- A. EMISSION LIMITS AND STANDARDS 7
- B. MONITORING REQUIREMENTS 7
- C. TEST METHODS AND PROCEDURES 7
- D. RECORDKEEPING REQUIREMENTS 8
- E. REPORTING REQUIREMENTS 8
- F. PUBLIC NOTICE 8
- G. DRAFT PERMIT COMMENTS 8

SECTION IV. NON-APPLICABLE REQUIREMENT ANALYSIS 9

SECTION V. FUTURE PERMIT CONSIDERATIONS..... 10

- A. MACT STANDARDS AND NESHAP STANDARDS 10
- B. NSPS STANDARDS 10
- C. RISK MANAGEMENT PLAN 10
- D. CAM APPLICABILITY 10

SECTION I. GENERAL INFORMATION

A. Purpose

This document establishes the basis for the decisions made regarding the applicable requirements, monitoring plan, and compliance status of emission units affected by the operating permit proposed for this facility. The document is intended for reference during review of the proposed permit by the Environmental Protection Agency (EPA) and the public. It is also intended to provide background information not included in the operating permit and to document issues that may become important during modifications or renewals of the permit. Conclusions in this document are based on information provided in the renewal application received by the Department of Environmental Quality (Department) May 5, 2008.

B. Facility Location

ConocoPhillips owns and operates the Bozeman Product Terminal located in the NW¼ of Section 6, Township 2 South, Range 6 East, in Gallatin County, Montana. Gallatin County is designated as an Unclassifiable/Attainment area for National Ambient Air Quality Standards (NAAQS) for all criteria pollutants. The Bozeman Product Terminal is located just north of the city of Bozeman; West Griffin Drive on the north, Exxon product terminal on the east, a cultivated field on the south, and an industrial park on the west bound the product terminal. The surrounding vicinity is mainly industrial. A trailer park and a few residential sites are located northeast of the terminal. The East Gallatin Recreational Area is located approximately 1/4 mile northeast of the terminal. There are no schools or medical facilities in the immediate vicinity of the terminal.

C. Facility Background Information

Montana Air Quality Permit

The Bozeman Product Terminal was constructed and operating by 1955. Tanks were installed from 1955 to 1966; therefore, the facility was grand-fathered from the Montana Air Quality Permit (MAQP) process. On August 8, 1997, ConocoPhillips submitted an application for the Bozeman Product Terminal to obtain an MAQP containing an operational limit. The operational limit allowed ConocoPhillips to be a synthetic minor from the 40 CFR 63, Subpart R (Gasoline Distribution MACT) requirements. **MAQP #2945-00** was issued final on September 28, 1997.

MAQP #2945-01 was issued on March 30, 1998, to clarify an error made in Section II.A.1. of Permit #2945-00. **MAQP #2945-01** replaced MAQP #2945-00.

A letter from ConocoPhillips dated January 3, 2003, and received by the Department, January 10, 2003, notified the Department that Conoco Inc. (Conoco) had changed its name to ConocoPhillips. The permit action contained in MAQP #2945-02 changed the name on the permit from Conoco to ConocoPhillips. **MAQP #2945-02** replaced MAQP #2945-01.

A letter from ConocoPhillips dated November 24, 2004, and received by the Department December 1, 2004, notified the Department that ConocoPhillips planned to install a 3,000-gallon vertical tank used to store a lubricity additive. Since the uncontrolled potential to emit (PTE) of the 3,000-gallon vertical tank was less than 15 tons per year of any regulated pollutant the tank was added to the permit under the provisions of ARM 17.8.745 Montana Air Quality Permits--Exclusion for De Minimis Changes. MAQP #2945-03 was also updated to reflect current permit language and rule references used by the Department. **MAQP #2945-03** replaced MAQP #2945-02.

A letter from ConocoPhillips dated August 6, 2008, and received by the Department August 8, 2008, requested an administrative amendment to further limit the facility's annual truck loading throughput of gasoline. The throughput limit was requested to be reduced to 97,500,000 gallons per year of gasoline. **MAQP #2945-04** replaced MAQP# 2945-03 to incorporate the request into the Montana Air Quality Permit.

Title V Operating Permit

Title V Operating Permit #OP2945-00 was issued final and effective on August 23, 1998.

ConocoPhillips applied for a renewal of their Title V Operating Permit on February 27, 2003. **Title V Operating Permit #OP2945-01** included the name change from Conoco to ConocoPhillips as well as updated applicable requirements. Operating Permit #OP2945-01 replaced Operating Permit #OP2945-00.

On March 4, 2004, the Department received a letter from ConocoPhillips to change the responsible official from Tom Wanzeck to Karen L. Kennedy. **Title V Operating Permit #OP2945-02** replaced Operating Permit #OP2945-01.

On March 30, 2006, the Department received a letter from ConocoPhillips to change the responsible official from Karen L. Kennedy to John T. Barrett. **Title V Operating Permit #OP2945-03** replaced Operating Permit #OP2945-02.

D. Current Permit Action

On May 5, 2008, the Department received a Title V Renewal Application from ConocoPhillips. Changes requested and included are the following:

- EU6, a 40,000-barrel tank identified at the facility as T-15, has been removed from service and will no longer be used for the storage of refined petroleum products. The tank was removed from Section C.
- Removal of MTBE from HAPs calculations. Although not specifically addressed in the permit, MTBE has been removed from the HAPs calculations that are submitted with the required emissions inventory report as ConocoPhillips has notified the Department that this pollutant is no longer emitted by the facility.
- Change of the facility contact information, address, and responsible official.
- Addition of 40 CFR 63, Subpart BBBBBB to applicable requirements.

The Department also added or modified rule references and language including prompt deviation language, the general requirement for NESHAP SSM plans, and the clarification described in Section III.A of this permit. Other changes include incorporation of de-minimis additions. **Title V Operating Permit #OP2945-04** replaces **Operating Permit #OP2945-03**.

E. Taking and Damaging Analysis

HB 311, the Montana Private Property Assessment Act, requires analysis of every proposed state agency administrative rule, policy, permit condition or permit denial, pertaining to an environmental matter, to determine whether the state action constitutes a taking or damaging of private real property that requires compensation under the Montana or U.S. Constitution. As part of issuing an operating permit, the Department is required to complete a Taking and Damaging Checklist. As required by 2-10-101 through 2-10-105, MCA, the Department conducted the following private property taking and damaging assessment.

YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deny a fundamental attribute of ownership? (ex.: right to exclude others, disposal of property)
	X	4. Does the action deprive the owner of all economically viable uses of the property?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If no, go to (6)].
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property? (consider economic impact, investment-backed expectations, character of government action)
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally?
	X	7a. Is the impact of government action direct, peculiar, and significant?
	X	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged or flooded?
	X	7c. Has government action lowered property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?
	X	Takings or damaging implications? (Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b; the shaded areas)

Based on this analysis, the Department determined there are no taking or damaging implications associated with this permit action.

F. Compliance Designation

The Department inspected the ConocoPhillips Bozeman Product Terminal on October 18, 2006. The inspection findings and all the material reviewed in the Department's files indicated that the facility is in compliance. ConocoPhillips, in the application cover letter, further verified that the terminal continues to be in compliance with all the requirements of Title V Operating Permit #OP2945-03.

SECTION II. SUMMARY OF EMISSION UNITS

A. Facility Process Description

ConocoPhillips operates a bulk gasoline terminal at the Bozeman Product Terminal. The terminal stores and transfers petroleum products (gasoline and distillate) received from the pipeline and distributes them to regional markets via cargo tanks (tank trucks). The Standard Industrial Classification (SIC) for this facility is "Wholesale Distribution" which has an SIC Code of "5171."

B. Emission Units and Pollution Control Device Identification

Currently, the Bozeman Product Terminal operates a truck loading rack, two gasoline tanks, and two distillate tanks. Fugitive and miscellaneous emissions include emissions from valves, flanges, pump seals, additive tanks, provers, tank cleaning, wastewater sumps, rack drains, tank roof landings, connections, meters, and open-ended lines.

Emissions Unit ID	Description	Pollution Control Device/Practice
EU001	Loading Rack	Submerged fill and dedicated normal service and/or switch loaded service
EU002	840,000-gallon Tank T-10 Stores Gasoline	Internal floating roof
EU003	840,000-gallon Tank T-11 Stores Gasoline	Internal floating roof
EU004	840,000-gallon Tank T-12 Stores Distillates	Vertical fixed roof
EU005	840,000-gallon Tank T-13 Stores Distillates	Vertical fixed roof
EU007	Fugitive emissions from valves, flanges, pump seals, provers, wastewater sumps, connections, meters, and open-ended lines and miscellaneous emissions from additive tanks, tank cleaning, tank roof landings, and rack drains.	Fugitive Emissions: Inspections

C. Categorically Insignificant Sources/Activities

The Administrative Rules of Montana (ARM) 17.8.1201(22)(a) defines an insignificant emissions unit as one that emits less than 5 tons per year of any regulated pollutant, has the potential to emit less than 500 pounds per year of lead or any hazardous air pollutant, and is not regulated by an applicable requirement other than a generally applicable requirement.

The miscellaneous emissions from the ConocoPhillips Product Terminal include emissions from tank cleaning, rain drains, additive tanks, etc. These units are insignificant because they emit less than 5 tons per year of any regulated pollutant.

SECTION III. PERMIT CONDITIONS

A. Emission Limits and Standards

The ConocoPhillips Bozeman Product Terminal is limited to a maximum of 97,500,000 gallons of gasoline and 105,000,000 gallons of distillate product throughput for the truck loadout operation during any 12-month rolling period. ConocoPhillips is also required to conduct monthly leak checks for fugitive emissions. Detection methods incorporating sight, sound, or smell are acceptable for the purposes of these inspections. The emission units at this facility have synthetic minored out of the 40 CFR 63, Subpart R - Gasoline Distribution MACT requirements. Due to the federally enforceable limitations on throughput of the loading rack operations, this facility is not subject to PSD regulations.

40 CFR 63, Subpart BBBBBB will be applicable to this facility. The compliance date for these requirements is January 10, 2011, except for storage tanks which are equipped with floating roofs and not already meeting these requirements, for which compliance must be achieved by the first degassing and cleaning activity after January 10, 2011, or by January 10, 2018, whichever is first. The emissions limits, management practices, and standards of this rule vary depending on the compliance methods chosen by ConocoPhillips. Therefore, the permit addresses these requirements by reference and these requirements are not yet applicable.

B. Monitoring Requirements

ARM 17.8.1212(1) requires that all monitoring and analysis procedures or test methods required under applicable requirements are contained in operating permits. In addition, when the applicable requirement does not require periodic testing or monitoring, periodic monitoring must be prescribed that is sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit.

The requirements for testing, monitoring, recordkeeping, reporting, and compliance certification sufficient to assure compliance do not require the permit to impose the same level of rigor for all emission units. Furthermore, they do not require extensive testing or monitoring to assure compliance with the applicable requirements for emission units that do not have significant potential to violate emission limitations or other requirements under normal operating conditions. When compliance with the underlying applicable requirement for an insignificant emissions unit is not threatened by lack of regular monitoring and when periodic testing or monitoring is not otherwise required by the applicable requirement, the status quo (i.e., no monitoring) will meet the requirements of ARM 17.8.1212(1). Therefore, the permit does not include monitoring for insignificant emission units.

The permit includes periodic monitoring or recordkeeping for each applicable requirement. The information obtained from the monitoring and recordkeeping will be used by the permittee to periodically certify compliance with the emission limits and standards. However, the Department may request additional testing to determine compliance with the emission limits and standards.

The 40 CFR 63, Subpart BBBBBB rules include monitoring requirements and are therefore included by reference. The monitoring requirements applicable to this facility will depend upon the compliance methods chosen by ConocoPhillips. These requirements are not yet applicable as of the draft issuance date of #OP2945-04.

C. Test Methods and Procedures

The operating permit may not require testing for all sources if routine monitoring is used to determine compliance, but the Department has the authority to require testing if deemed necessary to determine compliance with an emission limit or standard. In addition, the permittee may elect to voluntarily conduct compliance testing to confirm its compliance status.

D. Recordkeeping Requirements

The permittee is required to keep all records listed in the operating permit as a permanent business record for at least 5 years following the date of the generation of the record.

The 40 CFR 63, Subpart BBBBBB rules include recordkeeping requirements. Therefore, the permit incorporates these recordkeeping requirements by reference. The recordkeeping requirements applicable to this facility will depend upon the compliance methods chosen by ConocoPhillips. These requirements are not yet applicable as of the draft issuance date of #OP2945-04.

E. Reporting Requirements

Reporting requirements are included in the permit for each emissions unit, and Section V of the operating permit "General Conditions" explains the reporting requirements. However, the permittee is required to submit semi-annual and annual monitoring reports to the Department and to annually certify compliance with the applicable requirements contained in the permit. The reports must include a list of all emission limit and monitoring deviations, the reason for any deviation, and the corrective action taken as a result of any deviation.

The 40 CFR 63 Subpart BBBBBB rules include reporting requirements. Therefore, the permit incorporates these requirements by reference. The reporting requirements applicable to this facility will depend upon the compliance methods chosen by ConocoPhillips. These requirements are not yet applicable as of the draft issuance date of #OP2945-04.

F. Public Notice

In accordance with ARM 17.8.1232, a public notice was published in the Bozeman Daily Chronicle newspaper on or before July 10, 2009. The Department provided a 30-day public comment period on the draft operating permit from July 10, 2009, to August 10, 2009. ARM 17.8.1232 requires the Department to keep a record of both comments and issues raised during the public participation process. The comments and issues received by August 10, 2009, will be summarized, along with the Department's responses, in the following table. All comments received during the public comment period will be promptly forwarded to ConocoPhillips so they may have an opportunity to respond to these comments as well.

G. Draft Permit Comments

Summary of Public Comments

Person/Group Commenting	Comment	Department Response
No Comments to date		

Summary of Permittee Comments

Permit Reference	Permittee Comment	Department Response
No Comments to date		

Summary of EPA Comments

Permit Reference	EPA Comment	Department Response

SECTION IV. NON-APPLICABLE REQUIREMENT ANALYSIS

Section IV of the operating permit "Non-applicable Requirements" contains the requirements that the Department determined were non-applicable. The following table summarizes the requirements that ConocoPhillips identified as non-applicable and contains the reasons that the Department did not include these requirements as non-applicable in the permit.

Requirements not Identified in the Operating Permit

Requirement	Reason
ARM 17.8.601 ARM 17.8.602 ARM 17.8.1201(10)(a) ARM 17.8.1201(10)(f) ARM 17.8.1201(10)(i) ARM 17.8.1201(10)(k)	This is a statement of purpose, an applicability statement, regulatory definitions, or a statement of incorporation by reference. These types of rules do not have specific requirements associated with them.
ARM 17.8.604 ARM 17.8.605 ARM 17.8.606 ARM 17.8.611 ARM 17.8.612 ARM 17.8.613 ARM 17.8.614 ARM 17.8.615	These are procedural rules that have specific requirements that may become relevant to a major source during the permit term.

SECTION V. FUTURE PERMIT CONSIDERATIONS

A. MACT Standards and NESHAP Standards

The requirements of 40 CFR 63, Subpart BBBBBB will apply to this facility. The compliance date for most of the requirements is January 10, 2011, except for storage tanks which are equipped with floating roofs and not already meeting these requirements, for which compliance must be achieved by the first degassing and cleaning activity after January 10, 2011, or by January 10, 2018, whichever is first. These rules apply to gasoline related equipment only.

It is expected that installation of control options will allow the facility to become a synthetic minor under the Title V rules. An application for Modification of the Montana Air Quality Permit will be required prior to installation of the control device. Although the facility is expected to become a synthetic minor, the requirements of 40 CFR 63 Subpart BBBBBB would still apply and this rule would be incorporated into the Montana Air Quality Permit. ConocoPhillips is also subject to the notification requirements of this rule.

One of the control options available in meeting the requirements of 40 CFR 63, Subpart BBBBBB is utilization of a flare. Should ConocoPhillips apply to install a flare, the requirements of ARM 17.8.770 would apply. This rule requires a human health risk assessment and modeling to be completed as described in the rule.

B. NSPS Standards

As of the draft date of Title V Operating Permit #OP2945-04, the Department is unaware of any future NSPS Standards that may be promulgated that will affect this facility.

C. Risk Management Plan

As of the draft date of Title V Operating Permit #OP2945-04, the Department is unaware of any regulated substance listed in 40 CFR 68.115 which exceeds the minimum threshold quantities for any facility process. Consequently, this facility is not required to submit a Risk Management Plan.

If a facility has more than a threshold quantity of a regulated substance in a process, the facility must comply with 40 CFR 68 requirements no later than June 21, 1999; 3 years after the date on which a regulated substance is first listed under 40 CFR 68.130; or the date on which a regulated substance is first present in more than a threshold quantity in a process, whichever is later.

D. CAM Applicability

Compliance Assurance Monitoring under 40 CFR 64.2 is exempted for facilities that have emission limitations or standards proposed after November 15, 1990 pursuant to section 111 or 112 of the Clean Air Act. Therefore, 40 CFR 63 Subpart BBBBBB will not make this facility subject to these CAM rules. However, within the rules of 40 CFR 63, Subpart BBBBBB are requirements for monitoring of the operations of the control technology selected.

ConocoPhillips has submitted to the Department a letter notifying that they have elected to comply with the alternate monitoring path under 40 CFR 63.11092(b)(1)(iii)(B). A Monitoring and Inspection plan was submitted to the Department for review and approval per 40 CFR 63.11092(b)(1)(iii)(B)(2). As of the date of decision of this permit, the Department has not provided a decision to this submittal. ConocoPhillips has not applied to install the control device prior to issuance of this permit renewal.

In accordance with the Administrative Rules of Montana (ARM) Title 17, Chapter 8, Subchapter 15, a Compliance Assurance Monitoring (CAM) Plan applies to each pollutant-specific emitting unit at a major stationary source (Title V) if the affected unit is subject to a pollutant specific emission limitation or standard; the unit uses a control device to achieve compliance with the applicable limitation or standard; and the unit has a pre-control PTE of the regulated pollutant in an amount that exceeds 100% of the Title V major source threshold. However, CAM requirements exclude any emission limitations that come from MACT or NSPS standards proposed after November 15, 1990. Therefore, the ConocoPhillips facility is not currently subject to CAM.