

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

**Permitting and Compliance Division  
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ConocoPhillips Company  
Missoula Bulk Terminal  
Section 9, Township 13 North, Range 19 West, Missoula County  
P.O. Box 30198  
Billings, MT 59107

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

<b>Facility Compliance Requirements</b>	<b>Yes</b>	<b>No</b>	<b>Comments</b>
Source Tests Required	√		Method 2A, 5, 7, 10, 25B, 21, 22, & 27
Ambient Monitoring Required		√	
COMS Required		√	
CEMS Required		√	
Schedule of Compliance Required		√	
Annual Compliance Certification and Semiannual Reporting Required	√		As applicable
Monthly Reporting Required		√	
Quarterly Reporting Required		√	
<b>Applicable Air Quality Programs</b>			
ARM Subchapter 7 Montana Air Quality Permitting	√		Permit #3021-04
New Source Performance Standards (NSPS)	√		40 CFR 60, Subparts K, Kb, & XX
National Emission Standards for Hazardous Air Pollutants (NESHAPS)		√	
Maximum Achievable Control Technology (MACT)		√	Synthetic minor form 40 CFR 63, Subpart R
Major New Source Review (NSR)		√	
Prevention of Significant Deterioration (PSD)		√	
Risk Management Plan Required (RMP)		√	
Acid Rain Title IV		√	
State Implementation Plan (SIP)	√		General State SIP

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## 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 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 original application submitted by Conoco Inc. (Conoco) on September 3, 1999, and an additional submittal by ConocoPhillips Company (ConocoPhillips) on February 21, 2003, and October 22, 2003, an administrative amendment received by the Department of Environmental Quality (Department) March 4, 2004, and the renewal application submitted on October 28, 2005..

### B. Facility Location

This facility is located at 3330 and 3350 Raser Drive in Missoula, Montana. The legal description is Section 9, Township 13 North, Range 19 West, in Missoula County.

### C. Facility Background Information

#### Montana Air Quality Permit Background

On November 26, 1998, Conoco was issued Permit #3021-00. Because Conoco Missoula and Exxon Company USA Missoula merged their bulk terminals, the permit alteration was needed to combine these permits and to incorporate production limits that would keep the facility below the 40 CFR 63, Subpart R, threshold levels. This action also transferred permitting authority from Missoula County to the Department. The Department is the responsible permitting authority for sources subject to the Title V Operating Permit Program or sources that are synthetic minor for Title V until Missoula County pursues a Title V Operating Permit Program. Permit #3021-00 replaced both Missoula County permits held by Conoco and Exxon Company USA, for the Missoula bulk terminals.

On September 3, 1999, the Department received a request from Conoco to modify Permit #3021-00. The modification removed all references to Rack II and the associated vapor recovery unit because Conoco suspended the use of this rack. Included in this modification was a request to stagger the testing schedule for the railcar vapor tightness testing so that 1/3 of the railcars would be tested each year. Permit #3021-01 replaced Permit #3021-00.

On January 3, 2000, the Department received a request from Conoco to modify Permit #3021-01. Because vapor-tightness testing is required for only gasoline tank trucks and railcars, the phrase "liquid product" was changed to "gasoline." Because Conoco does not have to perform the testing on the tank trucks, but obtain proof of testing from truck drivers, the word "perform" was changed to "require." The testing section of the Montana Air Quality permit listed the flare at the truck rack (rack I) as an enclosed rack that required testing for Volatile Organic Compounds (VOCs). However, the flare at rack I is truly an open flame flare and testing for VOC was determined to be unnecessary. Therefore, the Department clarified that testing of this flare consisted of Methods 21 and 22. The permit analysis section was also updated to change the tank usage at the facility. Permit #3021-02 replaced Permit #3021-01.

On April 20, 2000, the Department received a request from Conoco to modify Permit #3021-02. Permit #3021-02 contained a condition (Section II.F.5.) that required Conoco to submit records of inspection on the tanks equipped with single or double-seal systems within 60 days of the date of inspection. The Department agreed with Conoco that this was an initial requirement. The Department and Conoco agreed

to change the condition to require reporting within 30 days only if a gap, as defined by NSPS Subpart Kb, is detected. Permit #3021-03 replaced Permit #3021-02.

A letter from ConocoPhillips dated January 3, 2003, and received by the Department, January 10, 2003, notified the Department that Conoco had changed its name to ConocoPhillips. The permit action changed the name on the permit from Conoco to ConocoPhillips. Permit #3021-04 was also updated to reflect current permit language and rule references used by the Department. Permit #3021-04 replaced Permit #3021-03.

### **Title V Operating Permit Background**

**Permit #OP3021-00** became effective and final on March 22, 2001.

A letter from ConocoPhillips dated February 12, 2003, and received by the Department, February 21, 2003, notified the Department that Conoco had changed its name to ConocoPhillips. Permit action **OP3021-01** changed the name on this permit from Conoco to ConocoPhillips. **Permit #OP3021-01** replaced Permit #OP3021-00.

On October 22, 2003, the Department received a request from ConocoPhillips for an administrative amendment of Permit #OP3021-01 to update Section V.B.3 of the General Conditions incorporating changes to federal Title V rules 40 CFR 70.6(c)(5)(iii)(B) and 70.6(c)(5)(iii)(C) (to be incorporated into Montana's Title V rules at ARM 17.8.1213) regarding Title V annual compliance certifications. **Permit #OP3021-02** replaced Permit #OP3021-01.

On March 4, 2004, the Department received a letter from ConocoPhillips to change the responsible official from Tom Wanzeck to Karen L. Kennedy. **Permit #OP3021-03** replaced Permit #OP3021-02.

#### **D. Current Permit Action**

On September 26, 2005, the Department received a renewal application from ConocoPhillips. The application was deemed administratively complete November 28, 2005, and technically complete on December 28, 2005. **Permit #OP3021-04** replaces Operating Permit OP3021-03.

#### **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 105, MCA, the Department has conducted a private property taking and damaging assessment and has determined there are no taking or damaging implications. The checklist was completed on March 9, 2004.

#### **F. Compliance Designation**

The Department conducted an inspection of the facility on September 26, 2005, and indicated the facility was in compliance at the time of the inspection.

The Department conducted an inspection of the facility on May 30, 2003, and indicated the facility was in compliance at the time of the inspection.

The Department conducted an inspection of the facility on May 3, 2000, and indicated the facility was in compliance at the time of the inspection.

On November 16, 2000, ConocoPhillips submitted test results and showed compliance from the gasoline vapor tightness testing of one-third of the gasoline railcars used at the Missoula rail rack.

On September 25, 2000, Conoco submitted a semi-annual compliance certification and monitoring report to the Department.

ConocoPhillips tested the open flame flare on Rack I on January 25, 2000. Compliance determination is pending review of the source test report.

The Department conducted an inspection of the facility on June 24, 1999, and indicated the facility was in compliance at the time of the inspection.

The vapor tightness testing performed on December 15, 1998, successfully demonstrated compliance with permit limitations.

ConocoPhillips notified the Department of the old Exxon Truck Loading Rack Shutdown on October 29, 1998. This notification served as adequate notification for the permit notification requirement of within 15 days of removal from service.

The Rail Loading Rack Enclosed Flare was tested for total organic compounds (TOC), carbon monoxide (CO) and nitrogen oxides (NO<sub>x</sub>) on December 30, 1998. It successfully demonstrated compliance with the permit limitations.

## SECTION II. SUMMARY OF EMISSION UNITS

### A. Facility Process Description

The ConocoPhillips Missoula Bulk Terminal receives petroleum product via pipeline and stores it in tanks on site. Tanks are either fixed roof or internal floating roofs. The facility then transfers the petroleum product to tank trucks and rail cars. Vapors displaced during the loading process are sent to flares for destruction.

### B. Emission Units and Pollution Control Device Identification

Emission Unit ID	Description	Pollution Control Device/Practice
EU001	Loading Racks I and III	Vapor Collection with Flares
EU002	Flares	The flares are the control equipment
EU003	T-50 – 1,264,536-gallon gasoline tank	Internal floating roof
EU004	T-51 – 845,082-gallon gasoline tank	Internal floating roof
EU005	T-52 – 845,208-gallon transmix tank	Internal floating roof
EU006	T-53 – 854,040-gallon EtOH/gas tank	Internal floating roof
EU007	T-54 – 1,260,000-gallon gasoline tank	Internal floating roof
EU008	T-55 – 868,938-gallon jet fuel #1 tank	Fixed roof
EU009	T-56 – 2,677,290-gallon diesel tank	Internal floating roof
EU010	T-58 – 3,827,250-gallons gasoline tank	Internal floating roof
EU011	T-401 – 614,000-gallon mogas tank	Internal floating roof
EU012	T-402 – 1,260,000-gallon mogas tank	Internal floating roof
EU013	T-404 – 850,000-gallon diesel tank	Fixed roof
EU014	T-405 – 650,000-gallon jet fuel tank	Fixed roof
EU015	T-406 – 650,000-gallon mogas tank	Internal floating roof
EU017	Additive tanks (8)	Fixed roof
EU018	Fugitive emissions from valves, flanges, pump seals, and open-ended lines	None
EU019	Fugitive emissions – Truck Traffic	Water and/or chemical dust suppressant

Note:

EU 007 (T-54) has not been constructed as of this permit revision.

EU 017 (Additive tanks (8)) include three additive tanks (T-408, T-409, and T-A-13) that are currently inactive and will not be returned to service.

### C. Categorically Insignificant Sources/Activities

Insignificant sources for the ConocoPhillips Missoula Bulk Terminal are Miscellaneous VOC Emissions from tank cleaning and additive tanks emissions.

### SECTION III. PERMIT CONDITIONS

#### A. Emission Limits and Standards

All emission limits and standards in the Title V permit have been taken directly from the Montana Air Quality permit. Missoula County is a CO and particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment area, but the State Implementation Plans for these pollutants in this area do not include any specific stipulations for the ConocoPhillips Missoula Bulk Terminal. Permit limitations have been established to keep the ConocoPhillips Bulk Terminal below the 40 CFR 63, Subpart R, threshold levels. The ConocoPhillips Bulk Terminal is applicable to 40 CFR 60, Subpart XX, and requirements have been incorporated into the Montana Air Quality permit and the Title V permit. Similarly, 40 CFR 60, Subpart K, is applicable to Tank 56, and 40 CFR 60, Subpart Kb, is pertinent to Tanks 54 and 58. As of this permit action, however, Tank 54 has not been constructed.

#### B. Monitoring Requirements

ARM 17.8.1212(1) requires that all monitoring and analysis procedures or test methods, required under applicable requirements, be 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 does not require the permit to impose the same level of rigor for all emission units. Furthermore, it does 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 emission 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. ConocoPhillips is required to maintain logs and perform inspections.

#### 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.

ConocoPhillips is required to obtain vapor tightness testing for all tank trucks on an annual basis. Vapor tightness testing for the rail cars shall be performed on all of the cars on a yearly basis.

The open flame flare controlling Rack I shall be tested by January 31, 2000, and every 4 years thereafter using Methods 21 and 22. The open flame flare was source tested on January 25 and 26, 2000. The enclosed flare controlling Rack III shall be tested for TOCs by January 31, 2004, and every 4 years thereafter.

#### **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.

ConocoPhillips is required to document, by month, the petroleum product throughput and leak inspection parameters. All recordkeeping requirements as specified by 40 CFR 60, Subpart K, Kb, and XX, are also applicable.

#### **E. Reporting Requirements**

Reporting requirements are included in the permit for each emission 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.

ConocoPhillips is required to report inspection results on the vapor collection system and tanks as required by 40 CFR 60, Subpart K, Kb, and XX.

#### **F. Public Notice**

In accordance with ARM 17.8.132, a public notice was published in the *Missoulian* newspaper on or before March 10, 2006. The Department provided a 30-day public comment period on the draft operating permit from March 10, 2006, to April 11, 2006. 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 April 11, 2006, 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.

### Summary of Public Comments

<b>Person/Group Commenting</b>	<b>Comment</b>	<b>Department Response</b>
<p>Alexandra Gorman, Women's Voices for the Earth</p>	<p>Section B.6.a states that the identification number be recorded from each tank truck and railcar. Should there also be a requirement here to record that the vapor-tightness documentation for each tank truck has been obtained (in order to be able to comply with B.6.b)?</p>	<p>While the Title-V permit does not contain a specific requirement to record whether the vapor tightness documentation has been obtained, the permit does reference the 40 CFR Part 60 Subpart XX, which in requirement 60.505(a) states that "The tank truck vapor tightness documentation required under Sec. 60.502(e)(1) shall be kept on file at the terminal in a permanent form available for inspection". Additionally, Condition B.13 of this permit specifically requires that ConocoPhillips update the testing results from the tank truck tightness tests annually and railcar tightness tests as test results are available. Consequently, ConocoPhillips is required to keep current records of the tightness tests available for review by the Department for all tanks that were loaded at the facility.</p>
<p>Alexandra Gorman, Women's Voices for the Earth</p>	<p>Section B.7. refers to a requirement to install, operate and maintain "the vapor collection system" without specifying what type of system this is. This could be confusing to a person new to this permit. Is "the vapor collection system" the flare system referred to in Section C? If so, a reference to Section C would be helpful in B.7.</p>	<p>The vapor collection system is the piping system that transports the vapors from the truck or rail tanks to the control device, which for this facility is the thermal oxidizer for the Rail Loading Rack and the flare for the Truck Loading Rack. The flare and the thermal oxidizer requirements are contained in Section C of Permit #OP3021-04. Permit #OP3021-04 is structured in such a way that the vapor collection and delivery system is kept separate and distinct from the associated control device to better regulate each emission point with conditions applicable to that unit.</p>

<b>Person/Group Commenting</b>	<b>Comment</b>	<b>Department Response</b>
Alexandra Gorman, Women's Voices for the Earth	Section B.11 allows 15 days from leak detection for a leak from the vapor collection system to be repaired. Given that leak detection is only required every 30 days - the worse case scenario would be a leak going unrepaired for a full 44 days. How big a potential leak could the vapor collection system have - and how has DEQ determined that a 44 day leak at the maximum leak level would not exceed any limits or cause any public health or safety problems?	Permit #OP3021-04 is consistent with Federal New Source Performance Standards (40 CFR 60 Subpart XX). EPA, through the development of these regulations, determined such a worst case scenario did not exceed limits and was not likely to cause public health or safety problems.
Alexandra Gorman, Women's Voices for the Earth	Section B.13 states that Conoco-Phillips "shall require testing on the tank trucks..." without specifying what type of testing is required (or even what is being tested for - vapor tightness?) This condition could be made clearer.	Language was added to condition B.13. to clarify that vapor tightness testing using EPA Method 27 is required on the tank trucks.
Alexandra Gorman, Women's Voices for the Earth	Section B. 15 outlines the monthly leak inspection process, a summary of which is submitted semi-annually to DEQ. Again - thinking worse case scenario - if this facility became exceptionally leak prone, which clearly would have both public health and public safety implications - but Conoco-Phillips continued to log and repair the excessive number of leaks within 15 days - does DEQ have any recourse in this permit to increase leak detection requirements or change the permit to require better maintenance to prevent and/or minimize leaks at the facility? Can a condition be added (triggered by a maximum number of leaks per year for example) to protect the public from an exceptionally leaky, but technically compliant facility?	There is no specific condition in this permit that requires additional inspections if the facility becomes excessively "leak prone", and as stated previously the EPA considered fugitive leaks and their risk to public health and the environment when the NSPS Subpart XX regulations were developed. EPA determined that the monthly inspections were adequate to prevent adverse effect to human health and the environment. In addition, through the permitting process, the Department has reserved the right to allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections. Further, the Department has the discretion to take corrective permitting and enforcement action should the facility fail to meet Department and public health expectations.

<b>Person/Group Commenting</b>	<b>Comment</b>	<b>Department Response</b>
Alexandra Gorman, Women's Voices for the Earth	Section D addresses the storage tanks and lists them all together in one paragraph without distinguishing between them. Yet specific conditions are listed for tanks 54, 56 and 58. Is it possible to include a chart in this section with a little more information to help the reader distinguish between the different tanks? The technical review document has a helpful chart which distinguishes the tanks by size and material stored which is useful.	All storage tanks have the same baseline applicable requirements. Tanks 54, 56, and 58 have additional requirements under the Federal NSPS regulations, which are identified in the existing table. All applicable requirements are adequately addressed. Information is included in the TRD to provide additional information and to provide basis for some of the determinations made in the permit.
Alexandra Gorman, Women's Voices for the Earth	Tanks 50 and T-402 hold the same material and are as large or larger than tank 54 - yet these tanks are not subject to subpart Kb. Can you clarify why this is?	The Federal NSPS Subpart K, Ka, and Kb regulations are applicable to petroleum storage tanks based on the construction date of the tank and the product stored within the tank. In the case of the Missoula Terminal, only tank 56 meets the requirements for NSPS Subpart K and tank 58 meets the applicability requirements in NSPS Kb. Tank 54, if constructed would also have to meet the requirements of NSPS Subpart Kb. The other tanks at the Missoula Terminal were constructed prior to the promulgation of the NSPS storage tank regulations, or the tanks do not meet the applicability requirements due to the vapor pressure of the product stored or the volumetric capacity of the tank.
Alexandra Gorman, Women's Voices for the Earth	<p>Section E.6 states "Each calendar quarter, all pump seals shall be instrument tested for total organic compounds, liquid, or vapor leaks. When an instrument reading of 10,000 ppm, or greater is measured, or if there are indications of liquid dripping from the equipment, it shall be determined that a leak has been detected (ARM 17.8.1213).</p> <p>We are concerned that this language does not allow for other credible evidence to be used to determine that a leak has been detected. An additional sentence - allowing that other evidence may indicate that a leak has been detected is needed in this term to comply with Title V law.</p>	The Department does not believe any additional language is needed. Section V.C.5 of the Operating Permit contains provisions for the use of other credible evidence.

<b>Person/Group Commenting</b>	<b>Comment</b>	<b>Department Response</b>
Alexandra Gorman, Women's Voices for the Earth	In the worst case scenario, how has DEQ determined that a leak from the pump seals which leads to a reading of 9,999 ppm which leaks for 44 days until repaired will not cause an exceedance of limits or a public health or safety problem?	This leak rate is consistent with 40 CFR 60 Subpart XX, which applies to gasoline loading racks. The Department has used permitting discretion to expand the leak detection requirements in the federal regulations to other facility equipment not specifically covered in the NSPS regulations; consequently the Missoula Terminal Permit is more stringent than the Federal requirements.
Alexandra Gorman, Women's Voices for the Earth	Section A.14 requires the facility to submit an SSM plan. We were very pleased to see the following language included in this condition "The Department requests submittal of such plans in electronic form, when possible." We believe that electronic submittal of SSM plans is the best way to ensure public access is available to these documents. We appreciate the Department's ongoing efforts to move towards the availability of all public information in electronic format.	No response.
Alexandra Gorman, Women's Voices for the Earth	On page 4 in Section D. it states that the DEQ received a renewal application from "Sidney Sugars" - this should be "Conoco-Phillips".	Corrected.
Alexandra Gorman, Women's Voices for the Earth	Also in Section D - it is unclear from this language if any changes in the Title V permit were requested by Conoco Phillips in their application. If changes were requested, these should be outlined in this section to clarify the current permit action.	ConocoPhillips made no request to change any part of the permit during this renewal action.

<b>Person/Group Commenting</b>	<b>Comment</b>	<b>Department Response</b>
Alexandra Gorman, Women's Voices for the Earth	Section F. "Compliance Designation" is a very useful section particularly for a reader interested in knowing more about the compliance history of a facility. It appears that this history is incomplete. For example, it states at the top of page 5 that on November 16, 2000, Conoco Phillips submitted test results for the 1st third of its railcars. Presumably this compliance demonstration for the next two-thirds of their railcars occurred in the following two years - but this information is missing from the compliance history. We would appreciate if this information and any other pertinent compliance history information be added to this section.	Section F of the TRD is a summary of the most recent compliance activities and a statement whether the Department believes the facility is in compliance or not. A complete compliance history for the facility is on file with the Department.

## SECTION IV. FUTURE PERMIT CONSIDERATIONS

### A. MACT Standards

As of the issuance date of Permit #OP3021-04, ConocoPhillips has an operational limit that synthetic minors them from the requirements of 40 CFR 63, Subpart R. The Department is unaware of any other future MACT Standards that may be promulgated that will affect this facility.

### B. NESHAP Standards

As of the issuance date of Permit #OP3021-04, the Department is unaware of any future NESHAP Standards that may be promulgated that will affect this facility.

### C. NSPS Standards

As of the issuance date of Permit #OP3021-04, the ConocoPhillips Missoula Bulk Terminal is not subject to 40 CFR 60, Subpart XX. Tank 56 is subject to 40 CFR 60, Subpart K, and Tanks 54 and 58 are subject to 40 CFR 60, Subpart Kb. The Department is unaware of any other future NSPS Standards that may be promulgated that will affect this facility.

### D. Risk Management Plan

As of the issuance date of Permit #OP3021-04, this facility does not exceed the minimum threshold quantities for any regulated substance listed in 40 CFR 68.115 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 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.