Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
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June 4, 2010

Dave Gates
NorthWestern Energy
40 East Broadway
Butte, MT 59701

RE: NorthWestern Energy - Mill Creek Generating Station's Title V Operating Permit #OP4255-00

Dear Mr. Gates:

The Department of Environmental Quality has prepared the enclosed Final Operating Permit #OP4255-00, for NorthWestern Energy - Mill Creek Generating Station, located in the NW¼ of Section 17 and the SW ¼ of Section 8, Township 4 North, Range 10 West in Deer Lodge County, Montana. Please review the cover page of the attached permit for information pertaining to the action taking place on Permit #OP4255-00.

If you have any questions, please contact Jenny O'Mara, the permit writer, at (406)444-1452 or by email at jenomara@mt.gov.

Sincerely,

Vickie Walsh

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

Jenny O'Mara

Jenny O'Mara
Environmental Engineer
Air Resources Management Bureau
(406) 444-1452

VW: JO
Enclosure
Cc: Christopher Ajayi, US EPA Region VIII 8P-AR
Betsy Burns, US EPA Region VIII, Montana Operations
Rick Walsh, NorthWestern Energy, 40 East Broadway, Butte, MT 59701

STATE OF MONTANA
Department of Environmental Quality
Helena, Montana 59620

AIR QUALITY OPERATING PERMIT OP4255-00

Issued to: NorthWestern Energy
40 East Broadway
Butte, MT 59701

Final Date: **June 3, 2010**
Expiration Date: **June 3, 2015**

Effective Date: **June 3, 2010**
Date of Decision: **May 3, 2010**
End of EPA 45-day Review: **April 30, 2010**
Proposed Issue Date: **March 16, 2010**
Draft Issue Date: **February 12, 2010**

Application Deemed Technically Complete: **December 10, 2008**
Application Deemed Administratively Complete: **December 10, 2008**
Initial Title V Application Received: **August 22, 2008**
AFS Number: 023-0002

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 June 3, 2010. This cover sheet must be attached to the Date of Decision issued on May 3, 2010 and the permit must be kept on-site at the above named facility.

SECTION I. GENERAL INFORMATION 1

SECTION II. SUMMARY OF EMISSION UNITS 2

SECTION III. PERMIT CONDITIONS 3

A. FACILITY-WIDE 3
B. EU001: PRATT & WHITNEY POWER SYSTEMS FT8 SWIFTPAC – GENERATING UNITS (4 UNITS @ 49.6 MW/UNIT) 6
C. EU002: 1675-BHP EMERGENCY DIESEL GENERATOR 15
EU003 308.4-BHP EMERGENCY DIESEL-FIRED FIRE PUMP 15

SECTION IV. NON-APPLICABLE REQUIREMENTS 17

A. FACILITY-WIDE 17
B. EMISSION UNITS 18

SECTION V. GENERAL PERMIT CONDITIONS 19

A. COMPLIANCE REQUIREMENTS 19
B. CERTIFICATION REQUIREMENTS 19
C. PERMIT SHIELD 20
D. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS 21
E. PROMPT DEVIATION REPORTING 22
F. EMERGENCY PROVISIONS 22
G. INSPECTION AND ENTRY 23
H. FEE PAYMENT 23
I. MINOR PERMIT MODIFICATIONS 24
J. CHANGES NOT REQUIRING PERMIT REVISION 24
K. SIGNIFICANT PERMIT MODIFICATIONS 25
L. REOPENING FOR CAUSE 25
M. PERMIT EXPIRATION AND RENEWAL 26
N. SEVERABILITY CLAUSE 26
O. TRANSFER OR ASSIGNMENT OF OWNERSHIP 27
P. EMISSIONS TRADING, MARKETABLE PERMITS, ECONOMIC INCENTIVES 27
Q. NO PROPERTY RIGHTS CONVEYED 27
R. TESTING REQUIREMENTS 27
S. SOURCE TESTING PROTOCOL 27
T. MALFUNCTIONS 27
U. CIRCUMVENTION 27
V. MOTOR VEHICLES 27
W. ANNUAL EMISSIONS INVENTORY 28
X. OPEN BURNING 28
Y. MONTANA AIR QUALITY PERMITS 28
Z. NATIONAL EMISSION STANDARD FOR ASBESTOS 29
AA. ASBESTOS 29
BB. STRATOSPHERIC OZONE PROTECTION – SERVICING OF MOTOR VEHICLE AIR CONDITIONERS 29
CC. STRATOSPHERIC OZONE PROTECTION – RECYCLING AND EMISSION REDUCTIONS 29
DD. EMERGENCY EPISODE PLAN 29
EE. DEFINITIONS 30

APPENDIX A INSIGNIFICANT EMISSION UNITS A-1

APPENDIX B DEFINITIONS AND ABBREVIATIONS B-1

APPENDIX C NOTIFICATION ADDRESSES C-1

APPENDIX D AIR QUALITY INSPECTOR INFORMATION D-1

APPENDIX E ACID RAIN E-1

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

SECTION I. GENERAL INFORMATION

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

Company Name: NorthWestern Energy

Mailing Address: 40 East Broadway St.

City: Butte State: Montana Zip: 59701

Plant Location: Near the intersection of MT-1 and county road 273 approximately 3 miles southeast of Anaconda, Montana. The property lies within a 50-acre parcel in the NW¼ of Section 17 and the SW ¼ of Section 8, Township 4 North, Range 10 West in Deer Lodge County, Montana.

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

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

Primary SIC Code: 4911

Nature of Business: Electricity Regulation

Description of Process: NWE operates a facility equipped with four simple-cycle, dual fuel-fired generating units, a 1,675 brake-horsepower (bhp) emergency diesel generator, a 308.4 hp emergency diesel fired fire pump, two above-ground 1,000,000 gallon diesel fuel tanks and two 10,000 gallon aqueous ammonia tanks. The facility serves as a regulating resource to stabilize the transmission grid due to historical supply and load variations and the integration of non-dispatchable and unpredictable fluctuations from intermittent renewable resources, such as wind power. Each generating unit consists of two aeroderivative combustion turbines and one electric generator rated at 49.6 megawatts (MW). The facility's combined net output will be approximately 200-MW power for delivery to the existing power grid. Emissions from the generating units will be controlled utilizing water injection, selective catalytic reduction and catalytic oxidation.

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	Pratt & Whitney Power Systems FT8 Swiftpac – Four, simple cycle, dual-fuel powered generating units (each generating unit consist of two turbines and a common generator rated at 49.6 MW)	Water injection, selective catalytic reduction (SCR) and catalytic oxidation
EU002	1675-bhp diesel-fired emergency generator	Operation limited to 500 hours per rolling 12-month period
EU003	308-bhp water pump	Operation limited to 500 hours per rolling 12-month period

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 17.8.1212	Reporting Requirements	Prompt Deviation Reporting	-------
A.16	ARM 17.8.1212	Reporting Requirements	Compliance Monitoring	-------
A.17	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 test, 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), NWE 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), NWE 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), NWE 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), NWE 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, NWE 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, NWE 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, NWE 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), NWE shall not burn liquid or solid fuels containing sulfur in excess of 1 pound per million BTU fired, unless otherwise specified by rule or in this permit.

A.10. Pursuant to ARM 17.8.322(5), NWE 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), NWE 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, NWE 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, NWE 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 Part 63.6, NWE 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, 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. NWE 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.16. On or before February 15 and August 15 of each year, NWE 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, NWE 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.17. By February 15 of each year, NWE 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: Pratt & Whitney Power Systems FT8 Swiftpac – Generating Units (4 units @ 49.6 MW/Unit)

B.I: Commissioning Period for Pratt & Whitney Power Systems FT8 Swiftpac Generating Units (4 units @ 49.6 MW/Unit)					
Condition(s)	**Pollutant/Parameter**	**Permit Limit**	**Compliance Demonstration**		**Reporting Requirements**
			Method	**Frequency**	
B.I.1, B.I.16, B.I.24, B.I.27, B.I.28	Commissioning period	Ends 16 weeks after initial startup	Department Notification of Startup	Initial Startup only	Semiannual
		Maintenance for Removal and replacement of turbine	Department Notification	As-needed	
B.I.2, B.I.17, B.I.24, B.I.27, B.I.28	Four, 49.6 MW generating units and associated air pollution controls	Good combustion, good air pollution control, best management practices	Burning pipeline quality natural gas (NG) or ultra-low sulfur (#2) fuel oil	Ongoing	Semiannual
B.I.3, B.I.18, B.I.24, B.I.27, B.I.28	Opacity	20%	Burning Pipeline Quality NG or ultra-low sulfur (#2) fuel oil only	Ongoing	Semiannual
B.I.4, B.I.17, B.I.24, B.I.27, B.I.28	Fuel Specification	Pipeline Quality Natural Gas or ultra low sulfur #2 fuel oil	Recordkeeping	Ongoing	Semiannual
B.I.5, B.I.17, B.I.24, B.I.27, B.I.28	Stack height	At least 90 feet in height (from final grade)	Log any instances of stack existing below 90 feet	Ongoing	Semiannual
B.I.6, B.I.18, B.I.20, B.I.25, B.I.27	40 CFR 60, Subpart A and KKKK	40 CFR 60, Subpart A and KKKK	40 CFR 60, Subpart A and KKKK	Ongoing	Semiannual
B.I.7, B.I.21, B.I.26, B.I.27, B.I.28	Acid Rain Program	40 CFR Parts 72-78, as applicable	As applicable	As applicable	Semiannual
Conditions for operating with ultra-low sulfur (#2) fuel oil only					
B.I.8, B.I.17, B.I.24, B.I.27, B.I.28	Fuel Operation Limit	720 hours (hr) per year/generating unit	Recordkeeping	Ongoing	Semiannual

B.I.9, B.I.10, B.I.19, B.I.22, B.I.23, B.I.24, B.I.27, B.I.28	NOx Controls and Emissions	84.64 lb/hr Based on 1-hr average	NOx CEMS Best Management Practices, water injection and SCR	Ongoing	Semiannual
B.I.9, B.I.11, B.I.19, B.I.22, B.I.23, B.I.24, B.I.27, B.I.28	Carbon Monoxide Controls and Emissions	52.29 lb/hr Based on 1-hr average	CO CEMS Best Management Practices and Catalytic Oxidation (installed on the exhaust from each turbine)	Ongoing	Semiannual
B.I.9, B.I.12, B.I.19, B.I.22, B.I.24, B.I.27, B.I.28	Volatile Organic Compounds (VOC) Controls and Emissions	27.62 lb/hr Based on 1-hr average	Best Management Practices and Catalytic Oxidation (installed on the exhaust from each turbine)	Ongoing	Semiannual
B.I.4, B.I.13, B.I.14, B.I.22, B.I.24, B.I.27, B.I.28	$PM/PM_{10}/PM_{2.5}$ Controls and Emissions	19.30 lb/hr Based on 1-hr average	Good Combustion Practices and ultra-low sulfur fuels only	Ongoing	Semiannual
B.I.4, B.I.13, B.I.15, B.I.22, B.I.24, B.I.27, B.I.28	SO_x Controls and Emissions	0.80 lb/hr Based on 1-hr average	Good Combustion Practice and ultra-low sulfur fuels only	Ongoing	Semiannual
Conditions for operating with pipeline quality natural gas only					
B.I.9, B.I.10, B.I.19, B.I.22, B.I.23, B.I.24, B.I.27, B.I.28	NOx Controls and Emissions	78.17 lb/hr Based on 1-hr average	NOx CEMS Best Management Practices, water injection and SCR	Ongoing	Semiannual
B.I.9, B.I.11, B.I.19, B.I.22, B.I.23, B.I.24, B.I.27, B.I.28	Carbon Monoxide Controls and Emissions	58.98 lb/hr Based on 1-hr average	CO CEMS Best Management Practices and Catalytic Oxidation (installed on the exhaust from each turbine)	Ongoing	Semiannual
B.I.9, B.I.12, B.I.19, B.I.22, B.I.24, B.I.27, B.I.28	VOC Controls and Emissions	2.47 lb/hr Based on 1-hr average	Best Management Practices and Catalytic Oxidation (installed on the exhaust from each turbine)	Ongoing	Semiannual
B.I.4, B.I.13, B.I.14, B.I.22, B.I.24, B.I.27, B.I.28	$PM/PM_{10}/PM_{2.5}$ Controls and Emissions	7.30 lb/hr Based on 1-hr average	Good Combustion Practice and Low Sulfur fuels only	Ongoing	Semiannual
B.I.4, B.I.13, B.I.15, B.I.22, B.I.24, B.I.27, B.I.28	SOx Controls	0.83 lb/hr Based on 1-hr average	Good Combustion Practice and Low Sulfur fuels only	Ongoing	Semiannual

Commissioning Period-Conditions

B.I.1 The requirements of Section B.I, Commissioning Period, shall only apply for a period of 16 weeks from initial startup of the generating units, or a period of 16 weeks following maintenance that requires removal or replacement of a combustion turbine (ARM 17.8.749).

B.I.2 NWE shall operate four, simple cycle, dual-fuel powered generating units each rated at 49.6 MW. Each generating unit consists of two turbines and a common generator (ARM 17.8.749 and ARM 17.8.752).

B.I.3 NWE shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any sources installed after November 23, 1968, that exhibit opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).

B.I.4 NWE shall only combust pipeline quality natural gas or ultra-low sulfur (#2) fuel oil in the generating units (ARM 17.8.749, ARM 17.8.752, and 40 CFR 60, Subpart KKKK).

B.I.5 Each simple cycle generating unit shall have a minimum stack exhaust height of at least 90-feet from final grade (ARM 17.8.749).

B.I.6 NWE shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart KKKK (40 CFR 60, Subpart KKKK).

B.I.7 NWE shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements of the Acid Rain Program contained in 40 CFR Parts 72-78 (40 CFR Part 72 through 40 CFR Part 78).

B.I.8 Each combustion turbine may only combust ultra-low sulfur fuel oil (#2) for up to 720 hours per year (ARM 17.8.752).

B.I.9 NWE shall install, operate and maintain water injection, selective catalytic reduction unit (SCR), and catalytic oxidation on each generating unit in a manner consistent with air pollution control practices for minimizing emissions to control NOx, carbon monoxide (CO) and VOCs (ARM 17.8.752).

B.I.10 During the commissioning period, NOx emissions from each generating unit shall not exceed 78.17 pounds per hour (lb/hr) based on a 1-hour average using natural gas and 84.64 lb/hr using ultra-low sulfur fuel oil (#2) based on a 1-hour average (ARM 17.8.749).

B.I.11 During the commissioning period, CO emissions from each generating unit shall not exceed 58.98 lb/hr based on a 1-hour average using natural gas and 52.29 lb/hr using ultra-low sulfur fuel oil (#2) based on a 1-hour average (ARM 17.8.749).

B.I.12 During the commissioning period, VOC emissions from each generating unit shall not exceed 2.47 lb/hr based on a 1-hour average using natural gas and 27.62 lb/hr using ultra-low sulfur fuel oil (#2) based on a 1-hour average (ARM 17.8.749).

B.I.13 NWE shall control particulate matter (PM), PM with an aerodynamic diameter of 10 microns or less (PM_{10}), PM with an aerodynamic diameter of 2.5 microns or less ($PM_{2.5}$) and sulfur dioxide (SOx) emissions from each of the 49.6 MW dual-fuel powered generating units by utilizing good combustion practices and by combusting low sulfur fuels (ARM 17.8.752).

B.I.14 During the commissioning period, $PM/PM_{10}/PM_{2.5}$ emissions from each generating units shall not exceed 7.30 lb/hr based on a 1-hour average using natural gas and 19.30 lb/hr using ultra low sulfur fuel oil (#2) based on a 1-hour average (ARM 17.8.749).

B.I.15 During the commissioning period, SOx emissions from each generating unit shall not exceed 0.83 lb/hr based on a 1-hour average using natural gas and 0.80 lb/hr using ultra-low sulfur fuel oil (#2) based on a 1-hour average (ARM 17.8.749).

Compliance Demonstration

B.I.16 Maintaining compliance with the commissioning period (Section B.I) defined as operations which deviate from normal operations, shall be met by notifying the Department and maintaining a log. The notification must include the reason for and the duration of the commissioning period. The log shall include the date, initials of the documenting personnel, reason for the commissioning period, status of the air pollution control equipment, and initial startup date or replacement/repair date (ARM 17.8.1213).

B.I.17 Monitoring compliance with the generating unit specification in Section B.I.2; the fuel specification in Section B.I.4, the stack height specification in Section B.I.5, and fuel operation limitation in Section B.I.8 shall be accomplished through recordkeeping as described in Section B.I.24 (ARM 17.8.1213).

B.I.18 Monitoring compliance with the opacity limitation in B.I.3 shall be satisfied by burning pipeline quality natural gas or ultra-low sulfur (#2) fuel oil in each generating unit (ARM 17.8.752, ARM 17.8.1213, 40 CFR 60, Subparts A and KKKK).

B.I.19 NWE shall operate and maintain the generating units, monitoring equipment, and ancillary equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including startup, shutdown, malfunction and during the commissioning period (ARM 17.8.1213).

B.I.20 NWE shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart KKKK and. (ARM 17.8.340, ARM 17.8.749, and 40 CFR 60, Subpart A and KKKK).

B.I.21 NWE shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements of the Acid Rain Program contained in 40 CFR Parts 72-78 (40 CFR Part 72 through 40 CFR Part 78).

B.I.22 During the commissioning period, monitoring compliance with the emission limits in Sections B.I.10 through B.I.15 shall be accomplished by installing, maintaining and documenting the use of the required pollution control equipment required in Sections B.I.9 and operating this equipment in a manner consistent with air pollution control practices for minimizing emissions (ARM 17.8.1213).

B.I.23 NWE shall notify the Department of any maintenance that requires removal or replacement of a turbine or generating unit. NWE shall continue to operate and maintain the CO and NOx Continuous Emissions Monitoring System (CEMS) during removal or replacement to monitor compliance with the CO and NOx emission limits in Sections B.I.9 and B.I.10 (ARM 17.8.1213).

Recordkeeping

B.I.24 NWE shall maintain an operation's log documenting the date, the reason for and the duration of the commissioning period, the type of fuel used in each generating unit, the hours of operation using ultra-low sulfur fuel oil (#2), any changes in stack height, the status of all air pollution control equipment and ancillary equipment, and all recordkeeping required in Sections B.I.16-B.I.19 and B.I.22-B.I.23. The log shall include all the required information, the date, and the initials of the documenting personnel (ARM 17.8.1212).

B.I.25 NWE shall comply with all applicable recordkeeping requirements contained in 40 CFR 60, Subpart KKKK (40 CFR 60, Subpart KKKK).

B.I.26 NWE shall comply with all applicable recordkeeping requirements contained in 40 CFR Part(s) 72-78. NWE shall submit a summary of any required reports to the Department along with the semiannual compliance monitoring reports required by Section III.A.16 and Section V.D. (40 CFR 72-78).

Reporting

B.I.27 The annual compliance certification required by Section V.B must contain a certification statement for the above applicable requirements (ARM 17.8.1212).

B.I.28 The semiannual monitoring report shall provide a summary of the documentation required in Sections B.I.24-B.I.26 (ARM 17.8.1212).

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B.II: Pratt & Whitney Power Systems FT8 Swiftpac Generating Unit (4 units @ 49.6 MW/Unit)					
Condition(s)	**Pollutant/Parameter**	**Permit Limit**	**Compliance Demonstration**		**Reporting Requirements**
			Method	**Frequency**	
B.II.1, B.II.3, B.II.15, B.II.28, B.II.34, B.II.35	Opacity	20%	Burning Pipeline Quality NG or ultra-low sulfur (#2) fuel oil only	Ongoing	Semiannual
B.II.2, B.II.16, B.II.28, B.II.34, B.II.35	Emitting Unit Type	Four simple cycle, dual-fuel powered generating units each rated at 49.6 MW (each generating unit consists of two turbines and a common generator)	Log any instance of variation of equipment from requirement	Ongoing	Semiannual
B.II.3, B.II.15, B.II.16, B.II.28, B.II.34, B.II.35	Fuel Specification	Pipeline Quality Natural Gas or ultra low sulfur #2 fuel oil	Recordkeeping	Ongoing	Semiannual
B.II.4, B.II.16, B.II.28, B.II.34, B.II.35	Stack height	At least 90 feet Based on height from final grade	Log any instances of stack existing below 90 feet	Ongoing	Semiannual
B.II.5, B.II.10, B.II.17, B.II.21, B.II.22, B.II.25, B.II.26, B.II.27, B.II.28, B.II.32, B.II.33, B.II.34, B.II.35	NOx Controls	Water injection and SCR	NOx CEMS	Ongoing	Semiannual
B.II.5, B.II.17, B.II.20, B.II.21, B.II.23, B.II.24, B.II.26, B.II.27, B.II.28, B.II.31, B.II.32, B.II.33, B.II.34, B.II.35	CO and VOC Controls	Catalytic Oxidation (installed on the exhaust from each turbine)	CO CEMS	Ongoing	Semiannual
B.II.6, B.II.15, B.II.17, B.II.28, B.II.34, B.II.35	$PM/PM_{10}/PM_{2.5}$ and SOx Controls	Good Combustion Practice and Low Sulfur fuels only	Maintenance and Inspection	Ongoing	Semiannual
B.II.7, B.II.18, B.II.21, B.II.22,	40 CFR 60, Subpart A and KKKK	40 CFR 60, Subpart A and KKKK	40 CFR 60, Subpart A and	Ongoing	Semiannual

B.II.25, B.II.29, B.II.34, B.II.35			KKKK		
B.II.8, B.II.19, B.II.30, B.II.34, B.II.35	Acid Rain Program	40 CFR Part 72-78, as applicable	As applicable	As applicable	Semiannual
Conditions for operating with ultra low sulfur #2 fuel oil only					
B.II.9, B.II.16, B.II.28, B.II.34, B.II.35	Fuel Operation Limit	720 hrs per year/generating unit 12-month rolling average	Recordkeeping	Ongoing	Semiannual
B.II.10, B.II.21, B.II.22, B.II.25, B.II.26, B.II.27, B.II.32, B.II.33, B.II.34, B.II.35	NOx Emissions	10.09 lb/hr 30-day rolling average	NOx CEMS/ Method 7	Ongoing	Semiannual
B.II.11, B.II.20, B.II.21, B.II.23, B.II.26, B.II.27, B.II.31, B.II.32, B.II.33, B.II.34, B.II.35	CO Emissions	9.83 lb/hr 30-day rolling average	CO CEMs/ Method 10	Ongoing	Semiannual
B.II.12, B.II.17, B.II.20, B.II.24, B.II.31, B.II.33, B.II.34, B.II.35	VOC Emissions	18.98 lb/hr 30-day rolling average	Method 18 and/or Method 25	Initial and As Required By The Department and Section III.A.1	Semiannual
B.II.13, B.II.15, B.II.28, B.II.34, B.II.35	$PM/PM_{10}/PM_{2.5}$	19.30 lb/hr 30-day rolling average	Burning Pipeline Quality NG or ultra-low sulfur (#2) fuel oil only	Ongoing	Semiannual
B.II.14, B.II.15, B.II.28, B.II.34, B.II.35	SO_x	0.80 lb/hr 30-day rolling average	Burning Pipeline Quality NG or ultra-low sulfur (#2) fuel oil only	Ongoing	Semiannual
Conditions for operating with pipeline quality natural gas only					
B.II.10, B.II.21, B.II.22, B.II.25, B.II.26, B.II.27, B.II.32, B.II.33, B.II.34, B.II.35	NOx Emissions	11.07 lb/hr 30-day rolling average	NOx CEMS/ Method 7	Ongoing/ Annually	Semiannual
B.II.11, B.II.20, B.II.21, B.II.23, B.II.26, B.II.27, B.II.31, B.II.32, B.II.33, B.II.34, B.II.35	CO Emissions	10.78 lb/hr 30-day rolling average	CO CEMs/ Method 10	Ongoing/ Annually	Semiannual
B.II.12, B.II.17, B.II.20, B.II.24, B.II.31, B.II.33, B.II.34, B.II.35	VOC Emissions	2.47 lb/hr 30-day rolling average	Method 18 and/or Method 25	Initial and As Required By The Department and Section III.A.1	Semiannual
B.II.13, B.II.15, B.II.28, B.II.34, B.II.35	$PM/PM_{10}/PM_{2.5}$	7.30 lb/hr 30-day rolling average	Burning Pipeline Quality NG or ultra low sulfur (#2) fuel oil only	Ongoing	Semiannual
B.II.14, B.II.15, B.II.28, B.II.34, B.II.35	SO_x	0.83 lb/hr 30-day rolling average	Burning Pipeline Quality NG or ultra-low sulfur (#2) fuel oil only	Ongoing	Semiannual

Conditions

B.II.1 NWE shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any sources installed after November 23, 1968, that exhibit opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).

B.II.2 NWE shall operate four, simple cycle, dual-fuel powered generating units each rated at 49.6 MW. Each generating units consist of two turbines and a common generator (ARM 17.8.749 and ARM 17.8.752).

B.II.3 NWE shall only combust pipeline quality natural gas or ultra-low sulfur (#2) fuel oil in the generating units (ARM 17.8.749, ARM 17.8.752, and 40 CFR 60, Subpart KKKK).

B.II.4 Each simple cycle generating unit shall have a minimum stack exhaust height of at least 90-feet from final grade (ARM 17.8.749).

B.II.5 NWE shall install, operate and maintain water injection, SCR, and catalytic oxidation on each generating unit in a manner consistent with air pollution control practices for minimizing emissions to control NOx, CO, and VOCs (ARM 17.8.752).

B.II.6 NWE shall control PM, PM_{10}, $PM_{2.5}$ and SOx emissions from each generating unit by utilizing good combustion practices and only combusting low sulfur fuels (ARM 17.8.752).

B.II.7 NWE shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart KKKK (40 CFR 60, Subpart KKKK).

B.II.8 NWE shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements of the Acid Rain Program contained in 40 CFR Parts 72-78 (40 CFR Part 72 through 40 CFR Part 78).

B.II.9 Each combustion turbine may only combust ultra-low sulfur fuel oil (#2) for up to 720 hours per year (ARM 17.8.752).

B.II.10 Emissions of NOx from each generating unit shall not exceed 11.07 lb/hr using natural gas and 10.09 lb/hr using ultra low sulfur fuel oil (#2) based on a 30-day rolling average, effective during all periods of operation, including startup and shutdown (ARM 17.8.752).

B.II.11 Emissions of CO from each generating unit shall not exceed 10.78 lb/hr using natural gas and 9.83 lb/hr using ultra low sulfur fuel oil (#2) based on a 30-day rolling average, effective during all periods of operation, including startup and shutdown (ARM 17.8.752).

B.II.12 Emissions of VOCs from each generating unit shall not exceed 2.47 lb/hr using natural gas and 18.98 lb/hr using ultra low sulfur fuel oil (#2) based on a 30-day rolling average, effective during all periods of operation, including startup and shutdown (ARM 17.8.752).

B.II.13 Emissions of $PM/PM_{10}/PM_{2.5}$ from each generating unit shall not exceed 7.30 lb/hr using natural gas and 19.30 lb/hr using ultra low sulfur fuel oil (#2) based on a 30-day rolling average, effective during all periods of operation, including startup and shutdown (ARM 17.8.752).

B.II.14 Emissions of SOx from each generating unit shall not exceed 0.83 lb/hr using natural gas and 0.80 lb/hr using ultra low sulfur fuel oil (#2) based on a 30-day rolling average, effective during all periods of operation, including startup and shutdown (ARM 17.8.752).

Compliance Demonstration

B.II.15 Monitoring compliance with the opacity limitation in B.II.1, the $PM/PM_{10}/PM_{2.5}$ limitations in B.II.6 and B.II.13, and the SOx limitations in B.II.6 and B.II.14 shall be satisfied by burning pipeline quality natural gas or ultra-low sulfur (#2) fuel oil in the generating units (ARM 17.8.749, ARM 17.8.752, and 40 CFR 60, Subparts A and KKKK).

B.II.16 Monitoring compliance with the generating unit specification in Section B.II.2; the fuel specification in B.II.3, the stack height specification in Section B.II.4, and the fuel operation limitation in Section B.II.9 shall be accomplished through recordkeeping as described in Sections B.II.28 and B.II.31 (ARM 17.8.1213).

B.II.17 NWE shall operate and maintain the generating units, monitoring equipment, and ancillary equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including startup, shutdown, malfunction and during the commissioning period (ARM 17.8.1213)

B.II.18 NWE shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart KKKK (ARM 17.8.340, ARM 17.8.749, and 40 CFR 60, Subparts A and KKKK).

B.II.19 Compliance monitoring for the applicable requirements contained in 40 CFR 72-78 shall be accomplished as described in 40 CFR Parts 72-78 (40 CFR Part 72 through 40 CFR Part 78).

B.II.20 NWE shall perform inspections of the oxidation catalyst(s) controlling emissions from each generating unit. The inspections should be conducted in accordance with the manufacturer's recommendations (ARM 17.8.1213).

B.II.21 NWE shall monitor compliance with the NOx and CO emission limits for each generating unit by conducting an initial source test for NOx and CO, concurrently, within 180 days of initial start-up of each generating unit or according to another testing/monitoring schedule as may be approved by the Department. After the initial testing, each generating unit shall be tested annually and the time between tests shall not exceed 14 months since the previous performance test (ARM 17.8.105, ARM 17.8.749, and 40 CFR 60, Subpart KKKK).

B.II.22 NWE shall install, calibrate, maintain and operate a NOx CEMS to monitor compliance with each generating unit's NOx emission limit in Section B.II.10 (ARM 17.8.752 and 40 CFR 60, Subpart KKKK).

B.II.23 NWE shall install, calibrate, maintain and operate a CO CEMS to monitor compliance with each generating unit's CO emission limit in Section B.II.11 (ARM 17.8.752).

B.II.24 NWE shall monitor compliance with the VOC emission limits found in Section B.II.12 for each generating unit by conducting an initial source test within 180 days of initial start-up of each generating unit or according to another testing/monitoring schedule as may be approved by the Department. After the initial source test, testing shall continue as required by the Department (ARM 17.8.105).

B.II.25 NWE shall monitor compliance with the requirements of Sections B.II.10 and 40 CFR 60, Subpart KKKK by maintaining, calibrating, and operating a CEMS for the measurement of NOx and a diluent gas (oxygen (O_2) or carbon dioxide (CO_2)) monitor on each generating unit stack; by reporting all excess emissions per 40 CFR 60, Subpart KKKK; and by conducting

performance tests in accordance with the requirements of 40 CFR 60, Subpart A; 40 CFR Part 60, Appendix B (Performance Specifications #2, #3, #4 and/or #4A); 40 CFR 60, Subpart KKKK and 40 CFR Part 72-78, as applicable (ARM 17.8.105; ARM 17.8.749; 40 CFR 60, Subpart KKKK).

B.II.26 NWE shall develop a quality assurance plan for all CEMS and on-going quality assurance requirements for the gas CEMS that conforms to 40 CFR Part 60, Appendix F (ARM 17.8.1213).

Recordkeeping

B.II.27 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 (or under facility's control) (ARM 17.8.106 and ARM 17.8.1212).

B.II.28 NWE shall maintain an operation's log documenting the type of fuel used in each generating unit, the hours of operation using ultra-low sulfur fuel oil (#2), the status of all air pollution control equipment and ancillary equipment, any changes in stack height, and all recordkeeping requirements in Sections B.II.15-B.II.17 and B.II.20-B.II.26. The log shall include all the required information, the date, and the initials of the documenting personnel (ARM 17.8.1212).

B.II.29 NWE shall comply with all applicable recordkeeping requirements contained in 40 CFR 60, Subpart KKKK (40 CFR 60, Subparts A and KKKK).

B.II.30 NWE shall comply with all applicable recordkeeping requirements contained in 40 CFR Part(s) 72-78. NWE shall submit a summary of any required reports to the Department along with the semiannual compliance monitoring reports required by Section III.A.16 and Section V.D. (40 CFR 72-78).

B.II.31 NWE shall maintain a log recording the results of the oxidation catalyst inspections (as required by the manufacturer) and any maintenance performed on the water injection, SCR, and oxidation catalyst units. Each log entry must include the date, the time, the results of the inspection, and the initials of the documenting personnel. The log must be maintained on-site and must be submitted to the Department upon request (ARM 17.8.1212).

B.II.32 NWE shall maintain a file of all measurements from the CEMS and performance testing measurements, including: all CEMS performance evaluations; all CEMS or monitoring device calibration checks and audits; all adjustments and maintenance performed on these systems or devices. These shall be recorded in a permanent form suitable for inspection and shall be retained on-site for at least 5 years following the date of such measurements and reports. NWE shall supply these records to the Department upon request (ARM 17.8.749 and ARM 17.8.1212).

Reporting

B.II.33 Any compliance source test reports must be submitted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106 and ARM 17.8.1212).

B.II.34 The annual compliance certification required by Section V.B must contain a certification statement for the above applicable requirements (ARM 17.8.1212).

B.II.35 The semiannual monitoring report shall provide (ARM 17.8.1212):

a. a summary of results of any source testing that was performed during that semiannual period; and

b. a summary of the documentation required in Sections B.II.27 - B.II.32.

C. EU002: 1675-bhp Emergency Diesel Generator
EU003 308.4-bhp Emergency Diesel-Fired Fire Pump

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Method	Demonstration Method Frequency	Reporting Requirements
C.I.1, C.I.4, C.I.7, C.I.9, C.I.10	Opacity	20%	Burning low sulfur diesel fuel	On-going	Semiannual
C.I.2, C.I.5, C.I.7, C.I.9, C.I.10	Engine/Fire Pump Operation	500 hrs/rolling 12-month time period	Log	As needed	Semiannual
C.I.3, C.I.6, C.I.8, C.I.9, C.I.10	40 CFR 60, Subpart IIII	40 CFR 60, Subpart IIII	40 CFR 60, Subpart IIII	40 CFR 60, Subpart IIII	Semiannual

Conditions

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

C.I.2 NWE shall limit the hours of operation of the 1675-bhp (10.3 million British thermal units per hour (MMBtu/hr)) diesel-fired emergency generator and the 308-bhp (2.51 MMBtu/hr)) water pump to no more than 500 hours per unit for a rolling 12-month period (ARM 17.8.749 and ARM 17.8.752).

C.I.3 NWE shall comply with all applicable standards and limitations, and the reporting, recordkeeping and notification requirements contained in 40 CFR 60, Subparts A and IIII – Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines (ICE) (ARM 17.8.340 and 40 CFR 60, Subparts A and IIII).

Compliance Demonstration

C.I.4 Compliance with the opacity requirement in Sections C.I.1 may be satisfied by using low-sulfur diesel fuel on an on-going basis (ARM 17.8.1213).

C.I.5 Monitoring compliance with hours of operation requirement in C.I.2 shall be accomplished by maintaining a log documenting the date and reason for operating the 1675-bhp diesel-fired emergency generator and the 308-bhp water pump, the hours of operation, the estimated amount of fuel consumed by the emergency engine/generator, and the operator's initials (ARM 17.8.1213).

C.I.6 NWE shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart IIII, Standards of Performance for the Stationary CI-ICE (ARM 17.8.340, ARM 17.8.1213, and 40 CFR 60, Subpart IIII).

Recordkeeping

C.I.7 NWE shall maintain on-site a log documenting the type of fuel used, the hours of operation of the 1675-bhp diesel-fired emergency generator and the 308-bhp water pump low sulfur in both hours per month and hours per year. The log shall include, at a minimum, the day, date, time, and the initials of the documenting personnel in addition to the monthly and annual hours of operation (ARM 17.8.1212).

C.I.8 NWE shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart IIII, Standards of Performance for Stationary CI-ICE for any applicable diesel engine (ARM 17.8.340, ARM 17.8.1213, and 40 CFR 60, Subparts A and IIII).

Reporting

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

C.I.10 The semiannual monitoring report shall provide (ARM 17.8.1212):

a. Any instance in which fuel(s) other than low sulfur diesel fuel was used (including information required in the log);

b. A summary of the hours of operation of the 1675-bhp diesel-fired emergency generator and the 308-bhp water pump; and

c. Reference of any reporting/notification during that semiannual period, including date and nature of notice, pursuant to 40 CFR 60, Subparts A and IIII.

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**	
ARM17.8.310 ARM 17.8.316 ARM 17.8.320 ARM 17.8.321 ARM 17.8.325 ARM 17.8.326 ARM 17.8.330 ARM 17.8.333 ARM 17.8.334 ARM 17.8.735 ARM 17.8.341 ARM 17.8.342		These rules are not applicable because the facility is not listed in the source category cited in the rules.
ARM 17.8.1301 ARM 17.8.1401		These rules are not applicable because they only affect governmental agencies.
	40 CFR 60, Subparts C, Ca, Cb, Cc, Cd, and Ce 40 CFR 60, Subparts D, Da, Db, Dc 40 CFR 60, Subparts E-J 40 CFR 60, Subparts K, Ka 40 CFR 60, Subparts L-Z 40 CFR 60, Subparts AA-EE 40 CFR 60, Subparts GGHH 40 CFR 60, Subparts KK-NN 40 CFR 60, Subparts PP-XX 40 CFR 60, Subparts AAA-BBB 40 CFR 60, Subparts DDD 40 CFR 60, Subparts FFF-JJJ 40 CFR 60, Subparts KKK 40 CFR 60, Subparts LLL 40 CFR 60, Subparts NNN-VVV 40 CFR 60, Subpart WWW 40 CFR 60, Subparts AAAA-HHHH 40 CFR 61, Subparts B-F 40 CFR 61, Subparts H-L 40 CFR 61, Subparts N-R 40 CFR 61, Subparts T 40 CFR 61, Subparts V-W 40 CFR 61, Subparts Y 40 CFR 61, Subparts BB 40 CFR 61, Subparts FF 40 CFR 62 40 CFR 63, Subparts A 40 CFR 63, Subparts F-I 40 CFR 63, Subparts L-O 40 CFR 63, Subparts Q-U 40 CFR 63, Subparts W-Y 40 CFR 63, Subparts AA-EE 40 CFR 63, Subpart GG	These requirements are not applicable because the facility is not an affected source as defined in these regulations.

	40 CFR 63, Subparts II-MM 40 CFR 63, Subparts OO-WW 40 CFR 63, Subpart YY 40 CFR 63, Subparts CCC-EEE 40 CFR 63, Subparts GGG-JJJ 40 CFR 63, Subparts LLL-RRR 40 CFR 63, Subparts TTT-VVV 40 CFR 63, Subpart XXX 40 CFR 63, Subpart CCCC 40 CFR 63, Subparts GGGG-HHHH 40 CFR 63, Subparts SSSS-XXXX	

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 all 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* (based on the method or means identified in ARM 17.8.1213(7)(c)(ii), as described above); and

   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 (MAQP) 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 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 NWE, the permitting authority, inspectors, and the public.

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

List of Insignificant Activities:

The following table of insignificant sources and/or activities were provided by NWE.

Emissions Unit ID	Description
IEU01	Two above-ground 1,000,000 gallon diesel fuel tanks
IEU02	Two 10,000 gallon aqueous ammonia tanks
IEU03	Haul roads/Vehicle Traffic

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 NWE;

(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 Section 7411 of the FCAA, including Section 7411(d);

(d) Any standard or other requirement under Section 7412 of the FCAA, including any requirement concerning accident prevention under Section 7412(r)(7), but excluding the contents of any risk management plan required under Section 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 Section 7661c(b) or Section 7414(a)(3) of the FCAA;

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

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

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

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

(k) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the FCAA, but only as it would apply to temporary sources permitted pursuant to Section 7661c(e) of the FCAA; 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 Section 7412(b) of the FCAA. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the FCAA.

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

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

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

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

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

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

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

(b) Any term, condition or other requirement contained in any 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 Section 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 Section 7412 of the FCAA, including but not limited to the following:

(i) Any pollutant subject to requirements under Section 7412(j) of the FCAA. If the administrator fails to promulgate a standard by the date established in Section 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 Section 7412(g)(2) of the FCAA have been met but only with respect to the individual source subject to Section 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
psi	pounds per square inch
scf	standard cubic feet
SIC	Source Industrial Classification
SO_2	sulfur dioxide
SOx	oxides of sulfur
tpy	tons per year
U.S.C.	United States Code
VE	visible emissions
VOC	volatile organic compound

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 NWE, permitting authority, inspectors, and the public.

Direction to Plant: NWE's facility also known as the Mill Creek Generating Station (MCGS) is located near the intersection of MT-1 and county road 273 approximately 3 miles southeast of Anaconda, Montana. The property lies within a 50-acre parcel in the NW¼ of Section 17 and the SW ¼ of Section 8, Township 4 North, Range 10 West in Deer Lodge County, Montana.

Safety Equipment Required: Contact NWE for safety requirements prior to inspection.

Facility Plot Plan: A facility plot plan was included with the NWE application for this Title V Operating Permit and is available for review at the Department's office in Helena, Montana.

Appendix E ACID RAIN

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

Acid Rain Permit Application

For more information, see instructions and 40 CFR 72.30 and 72.31.

This submission is: ☒ new ☐ revised ☐ for Acid Rain permit renewal

STEP 1

Identify the facility name, State, and plant (ORIS) code.

Mill Creek Generating Station Facility (Source) Name	**MT** State	13902 Plant Code

STEP 2

Enter the unit ID# for every affected unit at the affected source in column "a."

a	b
Unit ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)
EU-01 through EU-04 – Pratt & Whitney Power Systems FT8 Swiftpac 50 generating units	**Yes**

EPA Form 7610-16 (rev. 07-08)

STEP 3

Read the standard requirements.

Permit Requirements

(1) The designated representative of each affected source and each affected unit at the source shall:

(i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;

(2) The owners and operators of each affected source and each affected unit at the source shall:

(i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and

(ii) Have an Acid Rain Permit.

Monitoring Requirements

(1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.

(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.

(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

(1) The owners and operators of each source and each affected unit at the source shall:

(i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and

(ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.

(3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:

(i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or

(ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

EPA Form 7610-16 (rev. 07-08)

Sulfur Dioxide Requirements, Cont'd.

STEP 3, Cont'd.

(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

(1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
(2) The owners and operators of an affected source that has excess emissions in any calendar year shall:
(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
(i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;

Recordkeeping and Reporting Requirements, Cont'd.

STEP 3, Cont'd.

(ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
(iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
(2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
(4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:
(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating

Effect on Other Authorities, Cont'd.

to applicable National Ambient Air Quality Standards or State Implementation Plans;

STEP 3, Cont'd.

(2) Limiting the number of allowances a source can hold; *provided,* that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;
(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

Certification

STEP 4
Read the certification statement, sign, and date.

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name **Rick Walsh, Manger, Environmental Permitting**	
Signature	Date **12/01/2008**

Instructions for the Acid Rain Program Permit Application

The Acid Rain Program requires the designated representative to submit an Acid Rain permit application for each source with an affected unit. A complete Certificate of Representation must be received by EPA before the permit application is submitted to the title V permitting authority. A complete Acid Rain permit application, once submitted, is binding on the owners and operators of the affected source and is enforceable in the absence of a permit until the title V permitting authority either issues a permit to the source or disapproves the application.

Please type or print. If assistance is needed, contact the title V permitting authority.

STEP 1 A Plant Code is a 4 or 5 digit number assigned by the Department of Energy's (DOE) Energy Information Administration (EIA) to facilities that generate electricity. For older facilities, "Plant Code" is synonymous with "ORISPL" and "Facility" codes. If the facility generates electricity but no Plant Code has been assigned, or if there is uncertainty regarding what the Plant Code is, contact EIA at (202) 586-4325 or (202) 586-2402.

STEP 2 In column "a," identify each unit at the facility by providing the appropriate unit identification number, consistent with the identifiers used in the Certificate of Representation and with submissions made to DOE and/or EIA. Do not list duct burners. For new units without identification numbers, owners and operators must assign identifiers consistent with EIA and DOE requirements. Each Acid Rain Program submission that includes the unit identification number(s) (e.g., Acid Rain permit applications, monitoring plans, quarterly reports, etc.) should reference those unit identification numbers in exactly the same way that they are referenced on the Certificate of Representation.

Submission Deadlines

For new units, an initial Acid Rain permit application must be submitted to the title V permitting authority 24 months before the date the unit commences operation. Acid Rain permit renewal applications must be submitted at least 6 months in advance of the expiration of the acid rain portion of a title V permit, or such longer time as provided for under the title V permitting authority's operating permits regulation.

Submission Instructions

Submit this form to the appropriate title V permitting authority. If you have questions regarding this form, contact your local, State, or EPA Regional Acid Rain contact, or call EPA's Acid Rain Hotline at (202) 343-9620.

Paperwork Burden Estimate

The public reporting and record keeping burden for this collection of information is estimated to average 8 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW., Washington, D.C. 20460. Include the OMB control number in any correspondence. **Do not send the completed form to this address.**