

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

**Permitting and Compliance Division
1520 E. Sixth Avenue
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ConocoPhillips Company
Helena Product Terminal
SE¼, NE¼, Section 28, Township 10 North, Range 3 West
3180 Highway 12 East
Lewis & Clark County
Helena, MT 59601

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

Facility Compliance Requirements	Yes	No	Comments
Source Tests Required	xx		
Ambient Monitoring Required		xx	
COMS Required		xx	
CEMS Required		xx	
Schedule of Compliance Required		xx	
Annual Compliance Certification and Semiannual Reporting Required	xx		
Monthly Reporting Required	xx		
Quarterly Reporting Required		xx	
Applicable Air Quality Programs			
ARM Subchapter 7 – Montana Air Quality Permit	xx		MAQP #2907-04
New Source Performance Standards (NSPS)		xx	
National Emission Standards for Hazardous Air Pollutants (NESHAPS)		xx	
Maximum Achievable Control Technology (MACT)	xx		40 CFR 63, Subpart BBBBBB
Major New Source Review (NSR) – includes Prevention of Significant Deterioration (PSD) and/or Non-attainment Area (NAA) NSR		xx	
Risk Management Plan Required (RMP)		xx	
Acid Rain Title IV		xx	
Compliance Assurance Monitoring (CAM)	xx		See Appendix E of the Operating Permit
State Implementation Plan (SIP)	xx		General SIP

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SECTION I. GENERAL INFORMATION

A. Purpose

This document establishes the basis for the decisions made regarding the applicable requirements, monitoring plan, and compliance status of emissions units affected by the operating permit proposed for this facility. The document is intended for reference during review of the proposed permit by the Environmental Protection Agency (EPA) and the public. It is also intended to provide background information not included in the operating permit and to document issues that may become important during modifications or renewals of the permit. Conclusions in this document are based on information provided in the renewal application received by the Department of Environmental Quality (Department) on July 18, 2008, and additional information pertaining to the appropriate Responsible Official received July 10, 2009.

B. Facility Location

ConocoPhillips owns and operates the Helena Product Terminal located in the SE¼ of the NE¼ of Section 28, Township 10 North, Range 3 West in Lewis and Clark County. Lewis and Clark County is designated as an Unclassifiable/Attainment Area for National Ambient Air Quality Standards (NAAQS) for all criteria pollutants. The Helena Product Terminal is located east of Helena on Highway 12 East. The Helena Product Terminal is bounded by the highway on the south, Montana Power and Explosives on the east, Burlington Northern Railroad on the north and Exxon product terminal on the west. The surrounding vicinity is mainly industrial. Mountain View School is located between the terminal and Lake Helena. There are no parks, residential areas, or medical facilities in the immediate vicinity of the terminal.

C. Facility Background Information

Montana Air Quality Permit History

On November 24, 1995, Conoco submitted an application for the Helena Product Terminal to obtain a Montana Air Quality Permit (MAQP) for the operation of the railcar loading rack and the flare. The Helena Product Terminal tanks and truck loading rack were all installed prior to 1960. Because the tanks were installed prior to 1960, the facility was grandfathered from the Montana Air Quality Permit process. The operational limits placed in MAQP #2907-00 allowed Conoco to stay below the major source threshold pursuant to 40 CFR 63, Subpart R requirements. **MAQP #2907-00** was issued final on January 24, 1996.

On February 14, 2002, **MAQP #2907-01** was issued to Conoco for construction and operation of a new truck loading rack and installation of a flare to control loading emissions. The new loading rack would replace the existing truck loading rack at the Helena Product Terminal. Currently, the Helena Products Terminal is operating under a Title V operating permit because the facility is considered a major source for Volatile Organic Compounds (VOC) emissions. The installation of the flare on the truck loading rack when installed would significantly reduce VOC emissions below the major source threshold. The flare is controlled beyond New Source Performance Standards (NSPS), which is considered to be Best Available Control Technology (BACT) for similar loading racks. The Department has grounds to revoke the Title V permit following appropriate installation of the flare and at Conoco's request. Following revocation of the Title V permit ConocoPhillips will be considered a Title V synthetic minor. However, at this time, ConocoPhillips remains a Title V source subject to a Title V operating permit.

The limit on the VOC emissions from the flare is as follows: the total VOC emissions to the atmosphere from the flare due to loading liquid product into tank trucks shall not exceed 10.0 milligrams per liter (mg/L) of gasoline loaded. This limit is more stringent than the 40 CFR 60, Subpart XX VOC emissions limit of 35.0 mg/L of gasoline loaded. The source complies with the Subpart XX 35.0 mg/L limit by maintaining compliance with the 10.0 mg/L limit in MAQP #2907-01.

Because Conoco's flare is defined as an incinerator under Montana Code Annotated (MCA) 75-2-215, a determination that the emissions from the flare would constitute a negligible risk to public health is required prior to the issuance of a permit to the facility. Conoco and the Department identified the following hazardous air pollutants from the flare, which were used in the health risk assessment. These constituents are typical components of gasoline.

1. Benzene
2. Ethyl Benzene
3. Hexane
4. Toluene
5. Xylenes

The reference concentrations for the above pollutants were obtained from EPA's IRIS database, where available. The model performed for the hazardous air pollutants identified above demonstrated compliance with the negligible risk requirement. MAQP #2907-01 replaced MAQP #2907-00.

A letter from ConocoPhillips dated January 3, 2003, and received by the Department on January 10, 2003, notified the Department that Conoco had changed its name to ConocoPhillips. This permit action changed the name on MAQP #2907-01 from Conoco to ConocoPhillips. **MAQP #2907-02** replaced MAQP #2907-01.

A letter from ConocoPhillips dated November 24, 2004, and received by the Department December 1, 2004, notified the Department that ConocoPhillips planned to install a 2,000-gallon vertical tank used to store a lubricity additive. Since the uncontrolled potential to emit (PTE) of the 2,000-gallon vertical tank is less than 15 tons per year of any regulated pollutant the tank was added to the permit under the provisions of Administrative Rules of Montana (ARM) 17.8.745 Montana Air Quality Permits--Exclusion for De Minimis Changes. **MAQP #2907-03** has also been updated to reflect current permit language and rule references used by the Department. MAQP #2907-03 replaced MAQP #2907-02.

On June 28, 2006, the Department received an application from ConocoPhillips to permit the temporary operation of a soil vapor extraction (SVE) system, which has the potential to emit up to 23.7 tons per year (TPY). The application also requested permit corrections to reflect that ConocoPhillips never installed a two-bay truck loading rack and thermal oxidizer permitted in 2002 in MAQP #2907-01, and to revise the gasoline and distillate throughput limits for the truck loading rack and addition of throughput limits for the railcar loading rack, to maintain plant-wide emissions below PSD threshold levels. In addition, the MAQP was revised to clarify some of the conditions and limitations, such as removing the specified pressure gauge test and the VOC leak detection tests previously included as attachments 1 and 2, and instead referencing 40 CFR Part 60 procedures. **MAQP #2907-04** replaced MAQP #2907-03.

Operating Permit History

On January 13, 1999, the Department issued **Title V Operating Permit #OP2907-00** to the Conoco Helena Product Terminal as final and effective.

On February 21, 2003, the Department received a request from ConocoPhillips for a modification to Operating Permit #OP2907-00. The modification was an administrative amendment, which changed the company name from Conoco to ConocoPhillips. **Operating Permit #OP2907-01** replaced Operating Permit #OP2907-00.

The permit action was a renewal of ConocoPhillips' Title V Operating Permit #OP2907-01 for the Helena Product Terminal. ConocoPhillips' Operating Permit #OP2907-01 was applicable for 5 years and expired on January 12, 2004. ConocoPhillips applied for a renewal of their Title V Operating Permit on July 17, 2003. **Operating Permit #OP2907-02** replaced Operating Permit #OP2907-01.

On March 4, 2004, the Department received a letter from ConocoPhillips to change the responsible official from Tom Wanzeck to Karen L. Kennedy. **Operating Permit #OP2907-03** replaced Operating Permit #OP2907-02

On March 30, 2006, the Department received a letter from ConocoPhillips to change the responsible official from Karen L. Kennedy to John T. Barrett. **Operating Permit #OP2907-04** replaced Operating Permit #OP2907-03.

On June 28, 2006, the Department received an application from ConocoPhillips to permit the temporary operation of a soil vapor extraction (SVE) system, which has the potential to emit up to 23.7 tons per year (TPY). The application also requested permit corrections to reflect that ConocoPhillips never installed a two-bay truck loading rack and thermal oxidizer permitted in 2002 in MAQP #2907-01, and to revise the gasoline and distillate throughput limits for the truck loading rack and addition of throughput limits for the railcar loading rack, to maintain plant-wide emissions below PSD threshold levels. In addition, the MAQP was revised to clarify some of the conditions and limitations, such as removing the specified pressure gauge test and the VOC leak detection tests previously included as Attachments 1 and 2, and instead referencing 40 CFR Part 60 procedures. **Operating Permit #OP2907-05** replaced Operating Permit #OP2907-04.

D. Current Permit Action

On July 18, 2008, the Department received a renewal application from ConocoPhillips. ConocoPhillips identified in the renewal application cover letter that the railcar loading rack and associated vapor collection system and Vapor Combustion Unit (VCU) continues to remain out of service. ConocoPhillips also identified that 40 CFR 63, Subpart BBBBBB was applicable to this facility. Additional information was received July 10, 2009 to change the name of the Responsible Official.

This permitting action changes the name of the Responsible Official and includes 40 CFR 63, Subpart BBBBBB in Section A of the operating permit. **Operating Permit #OP2907-06** replaces Operating Permit #OP2907-05.

E. Taking and Damaging Analysis

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

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

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

F. Compliance Designation

The ConocoPhillips Helena Product Terminal was inspected by the Department on March 22, 2007. Review of all the material in the Department's files and information provided from the inspection indicates that the facility is in compliance. ConocoPhillips is required to test the VCU every 5 years. The VCU was last tested July 19, 1996, and the unit was taken out of service shortly after the test. ConocoPhillips indicated on the cover letter of the renewal application that the VCU continues to be out of service, and that the facility has continued to be in compliance with all requirements of Operating Permit #OP2907-05.

SECTION II. SUMMARY OF EMISSION UNITS

A. Facility Process Description

The facility receives gasoline, diesel, and jet kerosene from the Yellowstone pipeline. Currently the distillate fuels are distributed by rail and truck while all other fuels are distributed by truck around the area. The Standard Industrial Classification (SIC) for this facility is "Wholesale Distribution" which has an SIC Code of "5171".

B. Emission Units and Pollution Control Device Identification

Currently, the Helena Product Terminal operates a truck loading rack, a railcar loading rack, and seven tanks. Tanks T-32, T-33, T-35, T-36, and T-37 contain gasoline with internal/external floating roofs. Tanks T-30 and T-31 contain jet kerosene and diesel and are equipped with fixed roofs. The Helena Product Terminal also operates an enclosed flame VCU to control emissions from the railcar loading rack. Fugitive emissions include valves, flanges, pump seals, open-ended lines, etc. and are required to be inspected each calendar month.

C. Categorically Insignificant Sources/Activities

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

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

SECTION III. PERMIT CONDITIONS

A. Emission Limits and Standards

The ConocoPhillips Helena Product Terminal truck loading rack is limited to a maximum of 1,800,000 barrels of gasoline and 2,500,000 barrels of distillate product throughput for the truck loadout operation during any 12-month rolling period. The railcar loading rack is limited to a maximum of 5,000,000 barrels of gasoline and 10,000,000 barrels of distillate product during any 12-month rolling period. Loading of trucks and railcars are limited to submerged fill and dedicated normal service loading. These throughput restrictions and loading methods, as well as the VOC limit on the SVE, ensure that the facility has the potential to emit (PTE) less than 250 tons per year; therefore, this facility is not subject to PSD regulations.

ConocoPhillips is required to conduct monthly leak checks for the fugitive emissions. Detection methods incorporating sight, sound, or smell are acceptable for the purposes of these inspections. The railcar loading rack VCU is limited to an opacity of 10% and 0.10 grains per dry standard cubic foot (gr/dscf) of particulate emissions. Also, the NO_x, CO, and VOC emissions are limited to 4.0 mg/L, 10.0 mg/L, and 10.0 mg/L, respectively.

The emission units at this facility are not subject to the 40 CFR 63, Subpart R MACT requirements because they have accepted an operational limit that keeps them below the threshold value. The emission units at the facility are not currently required to meet any NESHAP or NSPS.

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

B. Monitoring Requirements

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

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

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

ConocoPhillips is required to log the throughput of gasoline and distillate products through the truck loadout operations and submit a semi-annual report verifying compliance with the production limits. The report of throughput will be used to assure compliance with the limitation in this permit. Annually, ConocoPhillips must calculate potential VOC emissions based on the throughput of these products as well as the calculated VOC loss from the SVE system to monitor compliance with the requirement to remain below the PSD threshold.

Tanks T-32, T-33, T-35, T-36, and T-37 must operate a vapor loss control device and shall be annually inspected to verify the operation's compliance with the ARM 17.8.324 conditions. ConocoPhillips is required to log the loading operation of the railcar loading rack for leaks and log the receipt of the vapor tightness documentation. The recordkeeping requirements that must be kept during leak inspections on the fugitive source should demonstrate compliance with the ARM 17.8.749 conditions.

Once the railcar loading system is re-activated, ConocoPhillips is required to test the VCU every 5 years to demonstrate compliance with the VOC limitation of 10.0 mg/L. ConocoPhillips must also operate a thermocouple and associated recorder on the VCU, or other equivalent device, during operation of this unit, in accordance with their CAM Plan.

C. Test Methods and Procedures

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

ConocoPhillips is required to test the VCU to determine compliance with the VOC limitation of 10.0 mg/L. ConocoPhillips is also required to test the VCU, as required by the Department and Section III.A of the Operating Permit, to demonstrate compliance with the opacity limitations as well as the CO and NO_x limitations.

D. Recordkeeping Requirements

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

E. Reporting Requirements

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

F. Public Notice

In accordance with ARM 17.8.1232, a public notice was published in the *Helena Independent Record* newspaper on September 23, 2009. The Department provided a 30-day public comment period on the draft operating permit from September 24, 2009, to October 26, 2009. ARM 17.8.1232 requires the Department to keep a record of both comments and issues raised during the public participation process. The comments and issues received by October 26, 2009, will be summarized, along with the Department's responses, in the following table. All comments received during the public comment period will be promptly forwarded to ConocoPhillips so they may have an opportunity to respond to these comments as well.

Summary of Public Comments

Person/Group Commenting	Comment	Department Response
	No Comments Received	

G. Draft Permit Comments

Summary of Permittee Comments

Permit Reference	Permittee Comment	Department Response
Section III.E.3	The Gasoline throughput limit should read: 1,800,000 barrels per year.	The Department agrees and this condition was updated
Section III.E.4	The Distillate throughput limit should read: 2,500,000 barrels per year	The Department agrees and this condition was updated
Responsible Official address and phone number	Please change the mailing address (just moved to new office) for the permit to 2626 Lillian Avenue, Billings, MT 59101. Please change the phone number for Responsible Official Amy Gross to 406-255-5710	The Department has updated the Responsible Official contact info.

Summary of EPA Comments

Permit Reference	EPA Comment	Department Response
	No Comments Received	

SECTION IV. NON-APPLICABLE REQUIREMENT ANALYSIS

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

Requirement not identified in the Operating Permit

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

SECTION V. FUTURE PERMIT CONSIDERATIONS

A. MACT Standards and NESHAP Standards

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

It is expected that installation of control options will allow the facility to become a synthetic minor under the Title V rules. Although the facility is expected to become a synthetic minor, the requirements of 40 CFR 63, Subpart BBBBBB would still apply. ConocoPhillips is also subject to the notification requirements of this rule.

B. NSPS Standards

As of the date of the date of Decision for Operating Permit #OP2907-06, the Department is unaware of any future NSPS Standards that may be promulgated that will affect this facility. However, if the truck loading rack is updated as contemplated in MAQP# 2907-05, Subpart XX would apply.

C. Risk Management Plan

As of the draft date for Operating Permit #OP2907-06, this facility does not exceed the minimum threshold quantities for any regulated substance listed in 40 CFR 68.115 for any facility process. Consequently, this facility is not required to submit a Risk Management Plan.

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

D. CAM Applicability

Compliance Assurance Monitoring was previously determined applicable for the Railcar Loading Rack. The unit had a pre-control potential to emit over 100 TPY of VOC. The facility was previously required to meet a VOC BACT limit of 10 mg/L. A vapor combustion unit is used for the VOC control. ConocoPhillips proposed to use a flame detector with automatic shutoff as the on-going method of assuring compliance with the requirement to operate the VCU in order to maintain compliance with the 10 mg/L limit, as described in their CAM Plan.

In accordance with the Administrative Rules of Montana (ARM) Title 17, Chapter 8, Subchapter 15, a Compliance Assurance Monitoring (CAM) Plan applies to each pollutant-specific emitting unit at a major stationary source (Title V) if the affected unit is subject to a pollutant specific emission limitation or standard; the unit uses a control device to achieve compliance with the applicable limitation or standard; and the unit has a pre-control PTE of the regulated pollutant in an amount that exceeds 100% of the Title V major source threshold. However, CAM requirements exclude any emission limitations that come from MACT or NSPS standards proposed after November 15, 1990. Therefore, should ConocoPhillips modify the current VCU and vapor collection system to meet the requirements of 40 CFR 63 Subpart BBBBBB, the facility will no longer be subject to CAM.