MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OPERATING PERMIT TECHNICAL REVIEW DOCUMENT

Air, Energy, & Mining Division
1520 E. Sixth Avenue
P.O. Box 200901
Helena, Montana 59620-0901

Northern Border Pipeline Company
dba Northern Border Pipeline
Compressor Station No. 1
NE¼ of the SE¼, of Section 12, Township 33 North, Range 38 East
Valley County, Montana

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	X		Portable Analyzer
Ambient Monitoring Required		X	
COMS Required		X	
CEMS Required		X	
Schedule of Compliance Required		X	
Annual Compliance Certification and Semiannual Reporting Required	X		
Monthly Reporting Required		X	
Quarterly Reporting Required		X	
Applicable Air Quality Programs			
ARM Subchapter 7 – Montana Air Quality Permit (MAQP)	X		MAQP #2979-04
New Source Performance Standards (NSPS)	X		40 CFR 60, Subpart GG
National Emission Standards for Hazardous Air Pollutants (NESHAPS)		X	
Maximum Achievable Control Technology (MACT)	X		40 CFR 63, Subpart ZZZZ
Major New Source Review (NSR) – includes Prevention of Significant Deterioration (PSD) and/or Non-attainment Area (NAA) NSR		X	
Risk Management Plan Required (RMP)		X	
Acid Rain Title IV		X	
Compliance Assurance Monitoring (CAM)		X	
State Implementation Plan (SIP)	X		General SIP

TABLE OF CONTENTS

SECTION I. GENERAL INFORMATION **3**

A. PURPOSE 3
B. FACILITY LOCATION 3
C. FACILITY BACKGROUND INFORMATION 3
D. CURRENT PERMIT ACTION 6
E. TAKING AND DAMAGING ANALYSIS 7
F. COMPLIANCE DESIGNATION 8

SECTION II. SUMMARY OF EMISSION UNITS **9**

A. FACILITY PROCESS DESCRIPTION 9
B. EMISSION UNITS AND POLLUTION CONTROL DEVICE IDENTIFICATION 9
C. CATEGORICALLY INSIGNIFICANT SOURCES/ACTIVITIES 9

SECTION III. PERMIT CONDITIONS **10**

A. EMISSION LIMITS AND STANDARDS 10
B. MONITORING REQUIREMENTS 10
C. TEST METHODS AND PROCEDURES 11
D. RECORDKEEPING REQUIREMENTS 11
E. REPORTING REQUIREMENTS 11
F. PUBLIC NOTICE 11
G. DRAFT PERMIT COMMENTS 12

SECTION IV. NON-APPLICABLE REQUIREMENT ANALYSIS **13**

SECTION V. FUTURE PERMIT CONSIDERATIONS **14**

A. MACT STANDARDS 14
B. NESHAP STANDARDS 14
C. NSPS STANDARDS 14
D. RISK MANAGEMENT PLAN 14
E. CAM APPLICABILITY 14
F. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND TITLE V GREENHOUSE GAS TAILORING RULE 15

SECTION I. GENERAL INFORMATION

A. Purpose

This document establishes the basis for the decisions made regarding the applicable requirements, monitoring plan, and compliance status of emission units affected by the operating permit proposed for this facility. The document is intended for reference during review of the proposed permit by the Environmental Protection Agency (EPA) and the public. It is also intended to provide background information not included in the operating permit and to document issues that may become important during modifications or renewals of the permit. Conclusions in this document are based on information provided in the original application submitted by Northern Border Pipeline Company (NBPL) on February 11, 1997; and additional submissions on February 15, 2001; October 9, 2001; February 3, 2003; October 17, 2003; March 11, 2003; December 6, 2004; April 9, 2007; March 25, 2009; May 5, 2009, March 29, 2011; March 7, 2012, renewal application received on March 19, 2015, and additional information received on August 6, 2015, September 4, 2015, and March 9, 2016.

B. Facility Location

NBPL owns and operates the Compressor Station No. 1. This facility is located at NE¼ of SE¼ of Section 12, Township 33 North, Range 38 East, in Valley County, Montana. This site is approximately 28 miles north of Glasgow Montana. Compressor Station No. 1 is located near Buggy Creek, in gently rolling terrain, about 42.5 miles northeast of Forsman Reservoir. From the intersection of Highway 2 and 24, travel north on Highway 24 to mile marker #34. Turn left (west) on the county road and travel 11 miles. Then turn southwest, the site is on the left approximately 5 miles. The total property area covered by this facility is 40 acres. Valley County is designated as an Unclassifiable/Attainment area for National Ambient Air Quality Standards (NAAQS) for all criteria pollutants.

C. Facility Background Information

<u>Montana Air Quality Permit History</u>

On December 23, 1996, NBPL submitted a complete permit application to construct and operate one 39,335-horsepower (hp) Cooper-Rolls natural gas turbine, one 300-kilowatt (kW) emergency backup generator engine, one 1.706-million British Thermal Unit per hour (MMBtu/hr) heating boiler, and one 15-kW emergency backup generator engine. **Montana Air Quality Permit (MAQP) #2979-00** became final on March 30, 1997.

On May 13, 1998, NBPL requested that MAQP #2979-00 be modified to accurately reflect the emergency generator engine size of 245-kW. Also, the monitoring requirement in Section II.B.2 was changed from "after issuance of MAQP #2979-00" to "after initial startup of the facility." MAQP #2979-01 became final on June 19, 1998. **MAQP #2979-01** replaced MAQP #2979-00.

On April 16, 2004, the Department of Environmental Quality (Department) received a complete MAQP application from NBPL for changes to MAQP #2979-01. The changes included a modification to the original oxides of nitrogen (NO_x) Best Available Control Technology (BACT) determination by the Department. NBPL Source #01 (39,335- hp natural gas turbine) was unable to operate the dry low NO_x combustion system (DLE), determined by the Department to be BACT, every hour and at all conditions for which the turbine operates. The

modification allowed NBPL to operate Source #01 up to 750 hours per year while the DLE was not in operation. Reasons for non-DLE operation shall include only start-up and shutdown, when operation is required during downstream maintenance requirements, and operation during low ambient temperatures at the site. New carbon monoxide (CO) emission limits for Source #01 of 460 pounds per hour (lb/hr) when the ambient temperature is 20 degrees Fahrenheit (°F) or colder, 56 lb/hr when the ambient temperature is 20°F or warmer, and 109.5 tons per rolling 12-month time period replaced Section II.A.2 that limited the operation of Source #01 to running at 80% or greater load when the ambient temperature is below 5°F. The new 109.5 tons per year CO limit would be made enforceable by monitoring a combination of ambient and turbine parameters. Cooper-Rolls, the manufacturer of the turbine, will test the turbine under different operating scenarios to develop a correlation between the monitored parameters and CO emissions. The 15-kW emergency generator has been removed from the facility. **MAQP #2979-02** replaced MAQP #2979-01.

On March 7, 2012, the Department received a complete concurrent application from NBPL to increase the rolling 12-month CO emission limit in MAQP #2979-02 and Operating Permit #OP2979-11 for the natural gas compressor turbine (Source #01) to 162 tons per year. The modification request did not represent a change in equipment or methods of operation, or a change in the BACT emission limits based on a lb/hr basis. All of the existing BACT pollution control systems remain in place. The previous rolling 12-month CO limit of 109.5 tons per year was established as a good-faith estimate of projected reasonable worst-case annual CO emissions based on turbine manufacturer calculations and projected ambient temperatures. The updated 12-month rolling limit is based on historical emissions data gathered by the Continuous Calculated Emissions Monitoring System (CCEMS) that was put in place as a result of the previous permit action, average monthly temperatures, and projected average daily hp by month. This permit action modified the 12-month rolling CO emission limit and updated the rule references and permit language to current Department practices. **MAQP #2979-03** became final on May 12, 2012 and replaced MAQP #2979-02.

On April 9, 2015, the Department received an administrative amendment request from NBPL to change their scheduled emissions testing requirements because the turbine had been operating for relatively few hours per semiannual period. The Department determined that while monitoring was still required on a semiannual schedule, NBPL can forego the test for a semiannual period if the turbine operated for less than 500 hours during that semiannual period. A compliance test was still to be completed at least once every 26 month, regardless of the number of hours of operation. **MAQP #2979-04** replaced MAQP #2979-03, becoming final on May 19, 2015.

Title V Operating Permit History

On February 21, 1997, NBPL submitted a complete permit application to construct and operate Compressor Station No. 1 in Valley County, Montana. This facility would consist of one 39,335-hp Cooper-Rolls, 6562-DLE Coberra; one 300-kW emergency backup generator engine; one 1.706-MMBtu/hr hydronic boiler; and one 15-kW emergency backup generator. The application stated the estimated start date as 8/97 and the estimated completion date as November, 1998. An MAQP was issued for this facility on April 1997. This facility had the potential to emit greater than 100 tons per year of NO_x and was therefore required to obtain an operating permit. This facility was an NSPS Subpart GG affected source because the Cooper-Rolls Coberra meets the definition of a stationary gas turbine and was manufactured after October 3, 1997. The Cooper-Rolls Coberra will have an internal dry low NOx combustion as its control device, which constitutes BACT for this facility.

Operating Permit #OP2979-00 established the basis for the decisions made regarding the applicable requirements, monitoring plan, and compliance status of emission units affected by the operating permit for this facility. The document was intended for reference during review of the permit by the EPA and the public. It was 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 operating permit. Conclusions in this document were based on information provided in the original operating permit application submitted by NBPL and received by the Department on February 11, 1997.

On February 15, 2001, NBPL submitted a request for the Department to revise the permitted custom fuel monitoring schedule and equipment for Compressor Station No. 1 Located in Valley County, MT. A hydrogen sulfide (H_2S) and Total Sulfur Analyzer replaced the chromatograph. The custom fuel schedule was structured to allow a representative sample to be recorded every 2 weeks with an option of extending the sampling schedule to once every 6 months upon approval by the Department. **Operating Permit #OP2979-01** replaced Operating Permit #OP2979-00.

On October 9, 2001, the Department received a request from NBPL for a modification to Operating Permit #OP2979-01. The modification was an administrative amendment, which changed the responsible official for the facility. **Operating Permit #OP2979-02** replaced Operating Permit #OP2979-01.

On February 3, 2003, the Department received a request from NBPL for an administrative amendment to Operating Permit #OP2979-02. The administrative amendment changed the responsible official and the corporate office address for the facility**. Operating Permit #OP2979-03** replaced Operating Permit #OP2979-02.

On February 3, 2003, the Department received a request from NBPL for a modification to Operating Permit #OP2979-03. The modification is an administrative amendment. The responsible official's name was changed in error on Operating Permit #OP2979-03. **Operating Permit #OP2979-04** changed the responsible official from Jay Muschenheim back to Randy Rice and changed the facility contact from Ruth Jensen to Jay Muschenheim. Operating Permit #OP2979-04 replaced Operating Permit #OP2979-03.

On October 17, 2003, the Department received a request from NBPL for the administrative amendment of Operating Permit #OP2979-04 to update Section V.B.3 of the General Conditions incorporating changes to federal Title V rules 40 CFR 70.6(c)(5)(iii)(B) and 70.6(c)(5)(iii)(C) (to be incorporated into Montana's Title V rules at ARM 17.8.1213) regarding Title V annual compliance certifications. **Operating Permit #OP2979-05** replaced Operating Permit #OP2979-04.

On March 11, 2003, the Department received a renewal application from NBPL. The Department had been in the process of permitting action #2979-02 and waited until the completion of permitting action #2979-02 to proceed with the renewal. Permit action #2979-02 was final June 18, 2004. **Operating Permit #OP2979-06** replaced Operating Permit #OP2979-05.

On December 6, 2004, the Department received a request from NBPL for an administrative amendment to Operating Permit OP2979-06. The administrative amendment changed the responsible official from Randy Rice to Michel E. Nelson. **Operating Permit #OP2979-07** replaced Operating Permit #OP2979-06.

On April 9, 2007, the Department received a request from NBPL for an administrative amendment to Operating Permit #OP2979-07. The administrative amendment changed the responsible official from Michel E. Nelson to Jim Krause. **Operating Permit #OP2979-08** replaced Operating Permit #OP2979-07.

Operating Permit #OP2979-10 renewed NBPL's Title V Operating Permit. On March 25, 2009, the Department received a request from NBPL for an administrative amendment to Operating Permit #OP2979-08 to change the responsible official from Jim Krause to Jeff Gravelle. The Department did not issue an Administrative Amendment in anticipation of receiving a Title V Renewal Application. The Renewal Application for NBPL's Title V Operating Permit was received on May 5, 2009. The permit action renewed NBPL's Title V Operating Permit, incorporated the change of the Responsible Official, and updated the permit to the current format used by the Department. Some of the changes included updates to general permit conditions, facility wide conditions, identification of the emergency generator by horsepower instead of electrical generation, and minor changes on the information required for recording during testing. NBPL's Operating Permit #OP2979-10 replaced Operating Permit #OP2979-08. The numbering skipped from -08 to -10 to illustrate that the Department combined the request to change the responsible official and the renewal application into one permitting action from the Department.

On December 6, 2010, the Department received notification from NBPL that the Responsible Official had changed. **Operating Permit #OP2979-11** replaced Operating Permit #OP2979-10 to reflect the change in Responsible Official.

On March 7, 2012, the Department received a complete concurrent application from NBPL to increase the rolling 12-month CO emission limit in MAQP #2979-02 and Operating Permit #OP2979-11 for the natural gas compressor turbine (Source #01) to 162 tons per year. The Department updated the MAQP first and MAQP #2979-03 became final on May 12, 2012. The action updated the Operating Permit to reflect the new 12-month rolling CO emission limit for the compressor turbine. **Operating Permit #OP2979-12** replaced Operating Permit #OP2979-11.

D. Current Permit Action

On March 19, 2015, the Department received an application for Renewal of the Title V Operating Permit. Additional pertinent information was received on August 6, 2015, September 4, 2015, and March 9, 2016. The current permit action renews the Title V Operating Permit, with **Operating Permit #OP2979-13** replacing Operating Permit #OP2979-12. Changes include an update of the Responsible Official, update to the mailing address, and an update to the company name to reflect the name registered with the Montana Secretary of State.

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 Department completed a full compliance evaluation for the period from May 5, 2011, through May 28, 2013. On May 6, 2013, the Department conducted an on-site inspection. NBPL was found to be in compliance with all applicable requirements.

The Department completed a review of the NBPL Title V Annual Compliance Certification on February 2, 2012. The report indicated compliance with all permit conditions for 2011. Stack testing performed during this time further confirmed compliance with permit limitations.

A full compliance evaluation was conducted by the Department for the period of April 20, 2009, through May 4, 2011. Based on this evaluation, the Department believes the facility was in compliance with all applicable air quality regulations during this period. An inspection was completed on May 4, 2011. No compliance issues were noted.

SECTION II. SUMMARY OF EMISSION UNITS

A. Facility Process Description

The NBPL Compressor Station No. 1 is a natural gas pipeline transmission station with one Cooper-Rolls Coberra natural gas fired turbine. A hot water boiler provides the heat to the various station facilities.

The Standard Industrial Classification (SIC) for this facility is "Natural Gas Transmission" which has an SIC Code of 4922.

B. Emission Units and Pollution Control Device Identification

The NBPL Compressor Station No. 1 application identified one 39,335-hp Cooper-Rolls Coberra 6562 Compressor Turbine, one 245-kW emergency backup generator engine, and one 1.706 MMBtu/hr hydronic boiler.

The Cooper-Rolls Coberra will contain a dry low NO_X combustion system, as part of the turbine design, this design and operating practice constitutes BACT for this facility. No pollution control devices exist on the emergency backup generator engine or the hydronic boiler.

C. Categorically Insignificant Sources/Activities

The Administrative Rules of Montana (ARM) 17.8.1201(22)(a) defines an insignificant emission 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 (HAP), and is not regulated by an applicable requirement other than a generally applicable requirement.

This facility has a 1.706 MMBtu/hr Hydronic Boiler, used for heating buildings and fuel preheat as needed. This boiler meets the definition of insignificant emission unit.

Emissions Unit ID	Description
IEU01	1.67-MMBtu/hr natural gas fired heater boiler
IEU02	In-plant vehicle traffic
IEU03	Fugitive and Miscellaneous emissions

SECTION III. PERMIT CONDITIONS

A. Emission Limits and Standards

Emission limits for the 39,335 hp Cooper-Rolls Coberra Compressor Turbine were established by a BACT determination under the authority of ARM 17.8.715 (the predecessor to ARM 17.8.752). The Cooper Rolls natural gas turbine shall be operated properly by maintaining the dry low NOx combustion system that is part of the turbine design. Minimum stack height for the Cooper Rolls natural gas turbine shall be 55 feet above ground level. The compressor turbine has an emission limit of 40 ppmvd and 50.0 lb/hr for NO_x and 3.00 lb/hr for Volatile Organic Compounds (VOC). CO emissions shall not exceed 460 lb/hr when the ambient temperature is below 20 °F, 56 lb/hr when the ambient temperature is 20 °F or warmer, and 162 tons per rolling 12-month time period. Sulfur content in the fuel shall not exceed 0.08% by weight and sulfur dioxide content in the fuel shall not exceed 0.015% by volume at 15% oxygen on a dry basis. The emergency generator engine is limited to 500 hours of operation per year in order to comply with the EPA definition of an "emergency backup generator."

NBPL shall comply with all applicable standards, limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart GG, unless otherwise specified (ARM 17.8.340 and 40 CFR Part 60).

Updates to 40 CFR 63, Subpart ZZZZ since initial permit issuance include applicable requirements for existing emergency stationary reciprocating internal combustion engines located at an area source of HAP emissions. The emergency generator is now subject to these requirements.

B. Monitoring Requirements

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

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

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

C. Test Methods and Procedures

NBPL shall conduct an emissions test with a portable analyzer in order to determine the NO_X emissions from the turbine once every six months. The portable analyzer shall be capable of achieving performance specifications equivalent to EPA traditional methods defined in 40 CFR 60, Appendix A, or shall be capable of meeting the requirements of EPA Conditional Test Method 022 for the "Determination of Nitric Oxide, Nitrogen Dioxide, and NO_x Emissions from Stationary Combustion Sources by Electrochemical Analyzer." NBPL shall monitor compliance with the NO_x and CO limitations by converting the emissions test results (ppm) to a mass emissions rate (lb/hr). Stack gas flow rates shall be determined using EPA Test Methods in 40 CFR 60, Appendix A. NBPL may use another testing procedure as approved in advance by the Department (ARM 17.8.105 and ARM 17.7.106).

As reviewed and approved in MAQP #2979-04, due to a low amount of operating hours for this station in some semiannual periods, monitoring requirements were adjusted such that NBPL can forego the test for a semiannual period if the turbine operated for less than 500 hours during that semiannual period. A compliance test is still to be completed at least once every 26 months, regardless of the number of hours of operation.

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 *Glasgow Courier* newspaper on April 6, 2016. The Department provided a 30-day public comment period on the draft operating permit from April 6, 2016 to May 6, 2016. 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 May 6, 2016 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 NBPL so they may have an opportunity to respond to these comments as well.

Summary of Public Comments

Person/Group Commenting	Comment	Department Response

G. Draft Permit Comments

Summary of Permittee Comments

Permit Reference	Permittee Comment	Department Response

Summary of EPA Comments

Permit Reference	EPA Comment	Department Response

SECTION IV. NON-APPLICABLE REQUIREMENT ANALYSIS

Section IV of the operating permit "Non-Applicable Requirements" contains the requirements that the Department determined were non-applicable. This section is intentionally left blank as this section typically summarizes the requirements that the applicant identified as non-applicable and contains the reasons that the Department did not include these requirements as non-applicable in the permit. No such scenario occurred during the renewal.

SECTION V. FUTURE PERMIT CONSIDERATIONS

A. MACT Standards

On March 5, 2009, EPA published in the Federal Register a proposed rule to amend 40 CFR 63, Subpart ZZZZ. This rule has since become final, and requires specific maintenance practices of the emergency generator engine.

B. NESHAP Standards

As of the draft date of Operating Permit #OP2979-13, the Department is unaware of any future NESHAP Standards that may be promulgated that will affect this facility.

C. NSPS Standards

This facility is currently subject to 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines. As of the draft date of Operating Permit #OP2979-13, the Department is unaware of future NSPS Standards that may be promulgated that will affect this facility.

40 CFR 60 Subpart JJJJ does not apply to the emergency generator because this engine was constructed in 1998.

D. Risk Management Plan

As of NBPL's renewal application date of March 19, 2015, this facility does not exceed the minimum threshold quantities for any regulated substance listed in 40 CFR 68.115 for any facility process. NBPL has not notified the department of any change to applicability of this requirement. 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.

E. CAM Applicability

An emitting unit located at a Title V facility that meets the following criteria listed in ARM 17.8.1503 is subject to Subchapter 15 and must develop a CAM Plan for that unit:

- The emitting unit is subject to an emission limitation or standard for the applicable regulated air pollutant (other than emission limits or standards proposed after November 15, 1990, since these regulations contain specific monitoring requirements);
- The emitting unit uses a control device to achieve compliance with such limit; and
- The emitting unit has potential pre-control device emissions of the applicable regulated air pollutant that are greater than major source thresholds.

NBPL does not currently have any emitting units that meet all the applicability criteria in ARM 17.8.1503, and is therefore not currently required to develop a CAM Plan.

F. Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule

On May 7, 2010, EPA published the "light duty vehicle rule" (Docket # EPA-HQ-OAR- 2009-0472, 75 FR 25324) controlling greenhouse gas (GHG) emissions from mobile sources, whereby GHG became a pollutant subject to regulation under the Federal and Montana Clean Air Act(s). On June 3, 2010, EPA promulgated the GHG "Tailoring Rule" (Docket # EPA-HQ-OAR-2009-0517, 75 FR 31514) which modified 40 CFR Parts 51, 52, 70, and 71 to specify which facilities are subject to GHG permitting requirements and when such facilities become subject to regulation for GHG under the PSD and Title V programs.

Under the Tailoring Rule, any PSD action (either a new major stationary source or a major modification at a major stationary source) taken for a pollutant or pollutants other than GHG that was not final prior to January 2, 2011, would be subject to PSD permitting requirements for GHG if the GHG increases associated with that action were at or above 75,000 tons per year (tpy) of carbon dioxide equivalent (CO2e). Similarly, if such action were taken, any resulting requirements would be subject to inclusion in the Title V Operating Permit. Starting on July 1, 2011, PSD permitting requirements would be triggered for modifications that were determined to be major under PSD based on GHG emissions alone, even if no other pollutant triggered a major modification. In addition, sources that are not considered PSD major sources based on criteria pollutant emissions would become subject to PSD review if their facility-wide potential emissions equaled or exceeded 100,000 TPY of CO_2e and 100 or 250 TPY of GHG on a mass basis depending on their listed status in ARM 17.8.801(22) and they undertook a permitting action with increases of 75,000 TPY or more of CO_2e and greater than 0 TPY of GHG on a mass basis. With respect to Title V, sources not currently holding a Title V permit that have potential facility-wide emissions equal to or exceeding 100,000 TPY of CO_2e and 100 TPY of GHG on a mass basis would be required to obtain a Title V Operating Permit.

The Supreme Court of the United States (SCOTUS), in its *Utility Air Regulatory Group v. EPA* decision on June 23, 2014, ruled that the Clean Air Act neither compels nor permits EPA to require a source to obtain a PSD or Title V permit on the sole basis of its potential emissions of GHG. SCOTUS also ruled that EPA lacked the authority to tailor the Clean Air Act's unambiguous numerical thresholds of 100 or 250 TPY to accommodate a CO_2e threshold of 100,000 TPY. SCOTUS upheld that EPA reasonably interpreted the Clean Air Act to require sources that would need PSD permits based on their emission of conventional pollutants to comply with BACT for GHG. As such, the Tailoring Rule has been rendered invalid and sources cannot become subject to PSD or Title V regulations based on GHG emissions alone. Sources that must undergo PSD permitting due to pollutant emissions other than GHG may still be required to comply with BACT for GHG emissions.