MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OPERATING PERMIT TECHNICAL REVIEW DOCUMENT

Permitting and Compliance Division
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ExxonMobil Billings Terminal
Section 25, Township 1 North, Range 26 East, Yellowstone County, Montana
607 ExxonMobil Road
Billings, MT 59101

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		
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 Preconstruction Permitting	X		#2967-01
New Source Performance Standards (NSPS)	X		40 CFR 60, Subpart XX
National Emission Standards for Hazardous Air Pollutants (NESHAPS)		X	Except for 40 CFR 61, Subpart M
Maximum Achievable Control Technology (MACT)	X		40 CFR 63, Subparts R and EEEE
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	

TABLE OF CONTENTS

SECTION I. GENERAL INFORMATION **3**

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

SECTION II. SUMMARY OF EMISSION UNITS **6**

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

SECTION III. PERMIT CONDITIONS **7**

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

SECTION IV. NON-APPLICABLE REQUIREMENT ANALYSIS **9**

SECTION V. FUTURE PERMIT CONSIDERATIONS **11**

A. MACT STANDARDS 11
B. NESHAP STANDARDS 11
C. NSPS STANDARDS 11
D. RISK MANAGEMENT PLAN 11

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 U.S. 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 Title V application submitted by ExxonMobil Billings Terminal (ExxonMobil) on June 29, 2007, the modification application material received by the Department on February 16 and February 24, 2011, and the administrative amendment request for a change in responsible official received by the Department on May 11, 2011.

B. Facility Location

ExxonMobil is located in Section 25, Township 1 North, Range 26 East, which is approximately 2 miles East of Billings in Yellowstone County.

C. Facility Background Information

Montana Air Quality Permit

The Department of Environmental Quality (Department) received a complete application for a Montana Air Quality Permit (MAQP) on March 5, 1998. ExxonMobil applied for the permit to establish federally enforceable limits for the product loading rack in order to meet synthetic minor requirements of the Title V Operating Permit program. **MAQP #2967-00** was issued May 3, 1998.

On February 16, 2011 and February 24, 2011, the Department received elements to fulfill a complete permit modification application from ExxonMobil. The application proposed modifications of piping and related components at the truck loading rack for the purpose of blending ethanol with gasoline for truck loadout and for loading denatured ethanol to tanker trucks. The proposed project would add pipe fittings, flanges, pumps, and other piping components. Changes to the permit include the addition of ethanol handling capabilities within existing permit conditions. The permit action modified MAQP #2967-00 to include the addition of ethanol handling capabilities within existing permit conditions as well as updated the rule references, permit format, and the emissions inventory. **MAQP #2967-01** was issued final on May 24, 2011.

Title V Operating Permit

Following further evaluation of ExxonMobil the Department determined the facility was not appropriately permitted under the synthetic minor regulations. The Department determined the Billings Terminal meets the definition of a "support facility" to the separately permitted ExxonMobil Refinery (OP #1564-01). Because the ExxonMobil Billings Refinery and the ExxonMobil Billings Terminal are two separate business units, the facility maintains two separate permits to facilitate internal administration; however, pursuant to ARM 17.8.1201(23) and 17.8.801(7), the federal clean air act, and several interpretive letters and memos, the Terminal and Refinery are determined to be one facility. Therefore, modifications at either the Terminal or the Refinery are looked at in aggregate for NSR permitting. **Title V Operating Permit #OP2967-00** was issued final and effective on May 6, 2008.

On February 16, 2011 and February 24, 2011, the Department received elements to fulfill a complete permit modification application from ExxonMobil. The application proposed modifications of piping and related components at the truck loading rack for the purpose of blending ethanol with gasoline for truck loadout and for loading denatured ethanol to tanker trucks. The proposed project would add pipe fittings, flanges, pumps, and other piping components. Changes to the permit include the addition of ethanol handling capabilities within existing permit conditions. The permit action modified MAQP #2967-00 to include the addition of ethanol handling capabilities within existing permit conditions as well as updated the rule references, permit format, and the emissions inventory.

As a Title V source, the application for corresponding modification of the Title V permit was made concurrently with the MAQP, therefore, the application covered both the MAQP and Title V modification request. On May 11, 2011, the Department received an administrative amendment request to update the responsible official from Jim B. Rose to Brian R. Clark. The modification and the administrative amendment were rolled into one action by the Department. The Operating Permit number therefore skipped from #OP2967-00 to #OP2967-02 when posted Draft and when posted for the EPA Review Period to recognize the two separate permit requests.

On August 10, 2011, the Department received an additional Administrative Amendment request to change the responsible official from Brian R. Clark to Geoffrey A. Craft, effective immediately. The Department, before issuing the permit Decision, also incorporated this responsible official change to the permit. Therefore, the responsible official listed in the permit was changed going from the EPA review period to Decision, and the permit number was updated again to **#OP2967-03** to recognize the second administrative amendment being incorporated into the action. All three actions were incorporated into the permit before the permit was issued Decision.

D. Taking and Damaging Analysis

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

YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deny a fundamental attribute of ownership? (ex.: right to exclude others, disposal of property)
	X	4. Does the action deprive the owner of all economically viable uses of the property?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If no, go to (6)].
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property? (consider economic impact, investment-backed expectations, character of government action)
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally?

YES	NO	
	X	7a. Is the impact of government action direct, peculiar, and significant?
	X	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged or flooded?
	X	7c. Has government action lowered property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?
	X	Takings or damaging implications? (Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b; the shaded areas)

E. Compliance Designation

The Department conducted a full compliance evaluation for the period from September 1, 2008 through July 7, 2010 for the ExxonMobil Billings Terminal (Terminal). The Department found that the terminal did not provide the Department with the 2009 Annual Emissions Inventory and Certification of Emissions Data Accuracy Report on-time. The Department issued a verbal warning regarding this oversight. A change in Terminal management was explained as the reason for this mailing oversight because the report was completed and signed (on 2/03/10) by the Responsible Official well before the due date. The Department did however issue Warning Letter #JH10-06 on 6/21/10 because the Terminal's Vapor Recovery Unit (VRU) Continuous Emissions Monitoring System (CEMS) RATA Test Report was not received by the Department within 60 days, as required by the Montana Source Test Protocol and Procedures Manual and referenced under Section II.C.3 of MAQP#2967-00. During the air compliance inspection at the facility on 6/17/10, the Department re-emphasized the regulatory importance of submitting all compliance reports on-time. These reports appear to be completed well before their respective due dates, but have not been mailed in time to meet the required due dates. The Department further recommended that the Terminal mail these reports as soon as they are completed and signed by the RO rather than waiting until the last day(s) before they are due.

The Department also made a compliance determination regarding the required loading rack - VRU VOC emission performance tests. Section II.C.2.provisions of MAQP#2967-00 required a performance test every four-years. This same condition however, did not exist in OP #OP2967-00. The facility requested a clarification regarding the potential for duplicate performance and CEMS RATA testing every fourth year. Because the Terminal loading rack and VRU conducts an annual RATA on the VOC CEMS, the annual CEMS RATA was found sufficient to demonstrate compliance with the applicable VOC emission standard. The Department sent an email on 4/30/10 to Casey Hamilton addressing this compliance determination.

The Terminal was found in compliance with the terms and conditions of Operating Permit #OP2967-00 and the referenced applicable rules and regulations, with exceptions noted above. The Department made this determination based on information gathered at the time of facility visit(s), the observations made during the facility visit(s), the review of reports submitted by the company during the review period, and the review of the compliance certifications submitted by the Terminal during the review period.

SECTION II. SUMMARY OF EMISSION UNITS

A. Facility Process Description

The Billings Terminal is operated by ExxonMobil Oil Corporation and the nearby ExxonMobil Billings Refinery (Refinery) is operated by ExxonMobil Corporation. The Refinery transfers products to the Terminal for additive blending and distribution over the Terminal Loading rack. The Terminal is considered a support facility to the Refinery, and therefore, for air permitting purposes, the refinery and the terminal are considered one facility. The facility maintains two separate permits to facilitate internal administration.

Products manufactured in the Refinery are pumped to the Terminal for storage or loaded directly into cargo tank trucks for delivery to the retail point. Products loaded at the facility include motor gasoline (premium and regular unleaded and leaded regular), two grades of aviation gasoline, jet fuel, several different grades of diesel, heating oil, and interface. Interface consists of the mixture of water and hydrocarbons that results from draining any water from the storage tanks and any product drained from the cargo tanks prior to being loaded at the loading rack. Several additives are added at the point of loading to enhance certain desirable product characteristics. Additive arrives at the Terminal via rail or truck. Additive destined for use at other ExxonMobil Montana terminals is brought by railcar, stored at Billings and loaded directly into cargo tank trucks for over the road transport.

Loading is accomplished at two lanes at the loading rack. Product is pumped from storage on the Terminal's property or directly from Refinery storage. All of the distillate products (jet, diesel, and heating oil) and leaded regular mogas are loaded directly from Refinery storage.

The loading rack is controlled by a John Zink Adsorption/Absorption Gasoline Vapor Recovery Unit (VRU). The effective hydrocarbon vapor recovery system utilizes the processes of physical adsorption in combination with absorption to recover gasoline vapors and return the recovered product into storage. Exxon installed the VRU in 1994 which has a performance guarantee for hydrocarbon emissions not to exceed 10 milligrams per liter (mg/l) of product loaded at the loading rack for any consecutive 6-hour period during normal operations. Loading occurs by each cargo tank truck getting a "permissive" based on information about tightness certification contained in an on-board microchip. Without the permissive the truck cannot be loaded without intervention by an Exxon employee. Once a permissive has been received, this process only requires seconds, the vapor recovery system will be engaged and the normal loading will commence. This system was installed to facilitate Clean Air Act, New Source Performance Standards (NSPS), U.S. Department of Transportation (DOT), and state tightness certification requirements.

B. Emission Units and Pollution Control Device Identification

Emission Unit ID	Description	Pollution Control Device/Practice
EU001	Gasoline Loading Operations/Vapor Recovery Unit	Carbon Adsorption Recovery Unit
EU002	Loading Rack Fugitive Emissions	None

C. Categorically Insignificant Sources/Activities

Emissions Unit ID	Description
IEU01	Tanks 201, 202, 204, 206, 207, and 211
IEU02	Miscellaneous Fugitive Emissions
Tank 210	3,000 gallon underground oil/water separator tank
Natural Gas Fired Shop Heater	Maximum heat input of 45,000 BTU/hr
Natural Gas Fired Comfort Heater	Maximum heat input of 110,000 BTU/hr
Natural Gas Fired Space Heater	Maximum heat input of 150,000 BTU/hr
Diesel Fuel Fired Pressure Washer Water Heater	Maximum heat input of 420,000 BTU/hr

SECTION III. PERMIT CONDITIONS

A. Emission Limits and Standards

There are no emission limits or standards identified in this permit that were not previously applicable to the facility. All of the emission limits are listed in the operating permit along with the applicable rule citation for each limit.

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.

C. Test Methods and Procedures

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

D. Recordkeeping Requirements

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

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 *Billings Gazette* newspaper on July 15, 2011. The Department provided a 30-day public comment period on the draft operating permit from July 15, 2011, to August 15, 2011. ARM 17.8.1232 requires the Department to keep a record of both comments and issues raised during the public participation process.

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

Pursuant to ARM 17.8.1221, ExxonMobil requested a permit shield for all non-applicable regulatory requirements and regulatory orders identified in the tables in Section 8 of the permit application. In addition, the ExxonMobil permit application identified a permit shield request for applicable requirements for both the facility and for certain emission units. The Department has determined that the requirements identified in the permit application for the individual emission units are non-applicable. These requirements are contained in the permit in Section IV - Non-applicable Requirements.

The following table outlines those requirements that ExxonMobil had identified as non-applicable in the permit application but will not be included in the operating permit as non-applicable. The table includes both the applicable requirement and reason that the Department did not identify this requirement as non-applicable.

Applicable Requirement		Reason
Subchapter 2 Ambient Air Quality		
ARM 17.8.210	Ambient Air Quality Standards (AAQS) for Sulfur Dioxide	These rules are always applicable to a major source and may contain specific requirements for compliance
ARM17.8.211	AAQS for Nitrogen Dioxide	
ARM 17.8.212	AAQS for Carbon Monoxide	
ARM 17.8.213	AAQS for Ozone	
ARM 17.8.214	AAQS for Hydrogen Sulfide	
ARM 17.8.220	AAQS for Settled Particulate Matter	
ARM 17.8.221	AAQS for Visibility	
ARM 17.8.222	AAQS for Lead	
ARM 17.8.223	AAQS for PM_{10}	
ARM 17.8.230	Fluoride in Forage	
Subchapter 6 Open Burning		
ARM 17.8.601	Definitions	These rules consist of either a statement of purpose, applicability statement, regulatory definition or a statement of incorporation by reference. These types of rules do not have specific requirements associated with them.
ARM 17.8.602	Incorporation by Reference	
ARM 17.8.611	Emergency Open Burning Permits	The following regulations may not be applicable to the source at this time; however, these regulations may become applicable during the life of the permit.
ARM 17.8.612	Conditional Air Quality Open Burning Permits	
ARM 17.8.613	Christmas Tree Waste Open Burning Permits	
ARM 17.8.614	Commercial Film Production Open Burning Permits	
ARM 17.8.615	Firefighter Training	
Subchapter 9 Permit Requirements for Major Stationary Sources or Major Modifications Located Within Nonattainment Areas		
ARM 17.8.901	Definitions	These rules consist of a statement of purpose, applicability statement, regulatory definitions or a statement of incorporation by reference. These types of rules do not have
ARM 17.8.902	Incorporation by Reference	
ARM 17.8.904	When Air Quality Preconstruction Permit Required	

Applicable Requirement		Reason
		specific requirements associated with them.
ARM 17.8.905 ARM 17.8.906	Additional Conditions of Air Quality Preconstruction Permit Baseline for Determining Credit for Emissions and Air Quality Offsets	These regulations are state regulations, which may not be applicable to the source at this time; however, these regulations may become applicable during the life of the permit.
Subchapter 10 Montana Air Quality Permit Requirements for Major Stationary Sources or Major Modifications Located Within Attainment or Unclassified Areas		
ARM 17.8.1001 ARM 17.8.1002 ARM 17.8.1004	Definitions Incorporation by Reference When Air Quality Preconstruction Permit Required	These rules consist of 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 17.8.1005 ARM 17.8.1006 ARM 17.8.1007	Additional Conditions of Air Quality Preconstruction Permit Review of Specified Sources for Air Quality Impact Baseline for Determining Credit for Emissions and Air Quality Offsets	These regulations may not be applicable to the source at this time; however, these regulations may become applicable during the life of the permit.
Federal Requirements		
40 CFR 62	Approval and Promulgation of State Plans for Designated Facilities and Pollutants	These rules contain requirements for regulatory authorities and not major sources; these rules can be used to impose specific requirements on a major source.

SECTION V. FUTURE PERMIT CONSIDERATIONS

A. MACT Standards

As of the draft date of this permit, the Department is unaware of any future requirement that may be promulgated during the permit term for which this facility must comply. The MACT standards 40 CFR 63, Subpart R (Gasoline Distribution MACT) and 40 CFR, Subpart EEEE (Organic Liquid Distribution MACT) currently apply to this facility.

B. NESHAP Standards

As of the draft date of this permit, the Department is unaware of any future NESHAP Standards that may be promulgated that will affect this facility. The NESHAP Standard 40 CFR 61, Subpart M (National Emission Standard for Asbestos) does apply to this facility at this time.

C. NSPS Standards

As of the draft date of this permit, the Department is unaware of any future NSPS Standard that may be promulgated that will affect this facility. The NSPS Standard 40 CFR 60, Subpart XX (Bulk Gasoline Terminals) does apply to this facility at this time.

D. Risk Management Plan

As of the draft date of this permit, 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 J3 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 (unless the limitation or standard that is exempt under ARM 17.8.1503(2));
- The emitting unit uses a control device to achieve compliance with such limit; and
- The emitting unit has potential pre-control device emission of the applicable regulated air pollutant that is greater than major source thresholds.

F. 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 would become final on or after 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 TPY of carbon dioxide equivalent (CO_2e) and greater than 0 TPY on a mass basis. Similarly, if such action were taken, any resulting requirements would be subject to inclusion in the Title V Operating Permit. Facilities which hold Title V permits due to criteria pollutant emissions over 100 TPY would need to incorporate any GHG applicable requirements into their operating permits for any Title V action that would have a final decision occurring on or after January 2, 2011.

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.

Potential emissions at this facility exceed the GHG major source threshold of 100,000 TPY of CO_{2e} for both Title V and PSD under the Tailoring Rule.