

Date of Posting: March 23, 2026

Name of Permittee: The Western Sugar Cooperative

Facility Name: The Western Sugar Cooperative

Physical Site Location: 3020 State Avenue, Billings, Montana, 59107

Sent via email: jbladecki@westernsugar.com

RE: Administrative Amendment of MAQP #2912-05

The Montana Department of Environmental Quality (DEQ) has issued a Decision on the request for Administrative Amendment of Montana Air Quality Permit (MAQP) #2912-05 for the above-named permittee.

The permittee may appeal the Decision to the Board of Environmental Review (Board). A request for hearing must be filed by April 7, 2026. This permit shall become final on April 8, 2026, unless the Board orders a stay of the final permit. For more information, contact DEQ at (406) 444-3490 or DEQAIR@mt.gov.

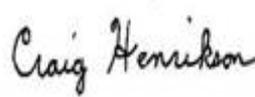
Procedures for Appeal: The permittee may request a hearing before the Board. The appeal must be filed before the final date stated above. The request for a hearing must contain an affidavit setting forth the grounds for the request. The hearing will be held under the provisions of the Montana Administrative Procedures Act. Submit request for a hearing to: Chairman, Board of Environmental Review, P.O. Box 200901, Helena, Montana 59620, or the Board Secretary: DEQBERSecretary@mt.gov.

Conditions: See attached Decision on MAQP #2912-05.

For DEQ,



Eric Merchant, Supervisor
Air Quality Permitting Services Section
Air Quality Bureau
Air, Energy, and Mining Division
(406) 444-3626
eric.merchant2@mt.gov



Craig Henrikson, P.E.
Air Quality Permitting Services Section
Air Quality Bureau
Air, Energy, and Mining Division
(406) 444-6711
chenrikson@mt.gov

MONTANA AIR QUALITY PERMIT

Issued To: The Western Sugar Cooperative
8555 E. Hampden Ave., Suite 520
Denver, CO 80231

MAQP: #2912-05
Administrative Amendment (AA) Request
Received: 02/23/2026
Application Complete: 02/23/2026
DEQ's Decision on AA: 03/23/2026
Permit Final:

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to The Western Sugar Cooperative (WSC), pursuant to Sections 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.740, *et seq.*, as amended, for the following:

I. Permitted Facilities

A. Plant Location

WSC operates a sugar beet processing facility in Billings, Montana. The legal description of the facility is the Northeast ¼ of Section 10, Township 1 South, Range 26 East, in Yellowstone County, Montana.

B. Current Permit Action

On February 23, 2026, the Montana Department of Environmental Quality (DEQ) received a request from WSC for an administrative amendment (AA) of MAQP #2912-04. The purpose of the AA is to update MAQP requirements removed from the 1998 stipulation agreement (STIP) between WSC, the United States Environmental Protection Agency (EPA), and DEQ related to attainment of the 1971 National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO₂) in the Billings/Laurel area.

On August 13, 2025, an order (2025 Stipulation Order) for modifications to the 1998 STIP was issued by the Department. The requirements of the 2025 Stipulation Order supersede all requirements of the 1998 STIP. Further, EPA approved and incorporated the changes under the 2025 Stipulation Order into the Montana State Implementation Plan (SIP). This AA addresses several of the MAQP STIP-related changes, while the majority of the administrative updates will occur through amendment of the WSC Title V Operating Permit #OP2912-09 under a separate permit action. Unrelated to the 2025 Stipulation Order, all applicable NSPS (40 CFR 60) and NESHAP (40 CFR 63) subparts were incorporated into the MAQP. Additionally, a revised emission inventory was included for completeness.

II. Conditions and Limitations

A. Emission Limitations

1. WSC 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 (ARM 17.8.304).
2. WSC 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 (ARM 17.8.304).
3. WSC 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 (ARM 17.8.308).
4. WSC shall treat all unpaved portions of the haul roads, access roads, parking lots, or general plant area with water and/or chemical dust suppressant as necessary to maintain compliance with the reasonable precautions limitation in Section II.A.3 (ARM 17.8.749).
5. Emissions of SO₂ from the boiler house stack shall not exceed 856.2 pounds per 3- hour period (2025 Stipulation Order, ARFM 17.8.749).
6. Emissions of SO₂ from the boiler house stack shall not exceed 6,849.6 pounds per calendar day (2025 Stipulation Order, ARM 17.8.749).
7. Emissions of SO₂ from the boiler house stack shall not exceed 1,438,416 pounds per calendar year (2025 Stipulation Order, ARM 17.8.749).
8. The total combined throughput for the east dryer and west dryer shall not exceed 188,000 tons of pressed pulp during any rolling 12-month time period (ARM 17.8.749).
9. The total throughput for the pelletizer cooler shall not exceed 75,000 tons of pellets during any rolling 12-month time period (ARM 17.8.749).
10. WSC shall install, operate, and maintain a wet scrubber on each coal boiler (ARM 17.8.749).

B. Testing Requirements

1. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
2. DEQ may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. WSC shall supply DEQ with annual production information for all emission points, as required by DEQ in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in the emission inventory contained in the permit analysis.

Production information shall be gathered on a calendar-year basis and submitted to DEQ by the date required in the emission inventory request. Information shall be in the units required by DEQ. This information may be used to calculate operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505). WSC shall submit the following information annually to DEQ by March 1 of each year; the information may be submitted along with the annual emission inventory (ARM 17.8.505).

a. annual production

2. WSC shall notify DEQ of any construction or improvement project conducted, pursuant to ARM 17.8.745, that would include the addition of a new emissions unit, change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation. The notice must be submitted to DEQ, in writing, 10 days prior to startup 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(l)(d) (ARM 17.8.745).
3. All records compiled in accordance with this permit must be maintained by WSC as a permanent business record for at least 5 years following the date of the measurement, must be available at the plant site for inspection by DEQ, and must be submitted to DEQ upon request. These records may be stored at a location other than the plant site upon approval by DEQ (ARM 17.8.749).
4. WSC shall document, by month, the total combined throughput for the east dryer and west dryer. By the 25th day of each month, WSC shall total the total combined throughput for the east dryer and west dryer for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
5. WSC shall document, by month, the total throughput for the pelletizer cooler. By the 25th day of each month, WSC shall sum the total throughput for the pelletizer cooler during the previous 12 months to verify compliance with the limitation in Section II.A.9. A written report of the compliance verification shall be submitted along with the annual emissions inventory (ARM 17.8.749).

D. Notification

WSC shall provide notice to DEQ within 60 days after the SO₂ CEMs has been removed (ARM 17.8.749).

III. General Conditions

- A. Inspection – WSC shall allow DEQ’s representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data,

auditing any monitoring equipment such as Continuous Emission Monitoring Systems (CEMS) or Continuous Emission Rate Monitoring Systems (CERMS), or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.

- B. Waiver – The permit and the terms, conditions, and matters stated herein shall be deemed accepted if WSC fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving WSC of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, et seq. (ARM 17.8.756).
- D. Enforcement – Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties, or other enforcement action as specified in Section 75-2-401, et seq., MCA.
- E. Appeals – Any person or persons jointly or severally adversely affected by DEQ’s decision may request, within 15 days after DEQ renders its decision, upon affidavit setting forth the grounds therefor, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay DEQ’s decision, unless the Board issues a stay upon receipt of a petition and a finding that a stay is appropriate under Section 75-2-211(11)(b), MCA. The issuance of a stay on a permit by the Board postpones the effective date of DEQ’s decision until conclusion of the hearing and issuance of a final decision by the Board. If a stay is not issued by the Board, DEQ’s decision on the application is final 16 days after DEQ’s decision is made.
- F. Permit Inspection – As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by DEQ at the location of the source.
- G. Permit Fee – Pursuant to Section 75-2-220, MCA, failure to pay the annual operation fee by WSC may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.
- H. Duration of Permit – Construction or installation must begin or contractual obligations entered into that would constitute substantial loss within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall expire (ARM 17.8.762).

Montana Air Quality Permit Analysis
The Western Sugar Cooperative
MAQP #2912-05

I. Introduction/Process Description

The Western Sugar Cooperative (WSC) processes sugar beets into refined sugar, molasses, pulp, and pellets. WSC’s sugar beet processing facility is located at 3020 State Avenue, Billings, Montana.

A. Permitted Equipment

Table 1. Emitting Unit Listing

Emission Unit ID	Description	Pollution Control Device/Practice
EU001	Natural Gas Erie City Boiler #1 (132 MMBtu/hr)	Natural Gas Fuel Only
EU002	Boiler House Stack (Coal-fired Riley Boilers #2, #3, #4 - 148 MMBtu/hr each)	Wet Scrubbers (2); Mist Eliminator (1); Multi-cyclones (3) – Vented to a common stack; 40 CFR 63, Subpart JJJJJ
EU003	Natural Gas Cleaver Brooks Boiler #5 (17 MMBtu/hr)	Natural Gas Fuel Only
EU004	Pulp Dryers –East and West (120 MMBtu/hr each)	Wet Scrubber, Mist Eliminator, Multi-cyclones
EU005	Pellet Mills/ Conveyor	Multi-cyclones
EU006	Pelletizer Cooler	Multi-cyclones
EU018	Sugar Cooler Dryer	Wet Scrubber
EU008	Lime Slaker Vent	Wet Scrubber
EU009	Burnt Lime Collector	Baghouse
EU010	Truck Hauling-Fugitives	Water Spray
EU011	Coal Handling, Fugitives	40 CFR 60, Subpart Y
EU012	Fuel (Gasoline) Storage Tank	40 CFR 63, Subpart CCCCC
EU013	Beet Piling, Fugitives	None
EU014	Wind Erosion, Fugitives	None
	Truck Hauling Fugitives	Water Spray, as needed

B. Source Description

WSC processes sugar beets into refined sugar, molasses, pulp, and pellets. Sugar beets are received at the plant by truck and are screened and washed to remove materials such as dirt, mud, rocks, and leaves. The beets are then either fed into the plant for processing or stockpiled for future use. Processing of the beets begins by slicing them into long thin strips, referred to as cossettes. The cossettes are conveyed into a diffuser where the beet sugar is removed using heated water. When the sugar solution leaves the lower end of the diffuser it is known as “raw juice.” However, when the cossettes reach the upper end of the diffuser, it is free of most sugar and the cossettes become beet pulp, which is used for livestock feed. Upon leaving the diffuser, the “raw juice” goes through several purification and filtration stages to remove impurities and other non-sugars and then the raw juice is sent to evaporators to remove excess water. This concentrated juice is crystallized and separated into pure sugar and molasses. The two by-products of this process, molasses and pulp, are mixed together to create pellets and are sold as livestock feed. Shipment of the products is performed using both rail and truck.

C. Permit History (Changes to an existing permit)

On May 11, 1971, Permit #286-073071 was issued to The Western Sugar Company to install a 2000-gallon per minute (gal/min) wet scrubbing system on the existing cyclone dryer stacks.

On July 10, 1972, Permit #485-092672 was issued to The Western Sugar Company to install a wet scrubber system on the west drum pulp dryer cyclone.

On June 29, 1976, Permit #913 was issued to Western Sugar Company for the conversion of 3 Riley 100,000 pound per hour (lb/hr) natural gas fired steam generators (Riley #2, Riley #3, and Riley #4) to coal stoker fired steam generators.

On July 26, 1978, Permit #1227 was issued to Western Sugar Company to install Multi-cyclones on the 3 coal fired boilers (Riley #2, Riley #3, and Riley #4).

On June 9, 1996, Western Sugar Company was issued Permit #2912-00 to construct the boiler house stack extension that would extend the stack to at least 51.8 meters above ground level (Permit #2912-00 replaced Permit #286, #485, #913, and #1227). However, during a routine site visit, the Montana Department of Environmental Quality (Department) noted an economizer on the boiler house stack that was put there by Western Sugar Company in an effort to minimize the amount of heat that was vented through the stack. The economizer influenced the characteristics of the plume emitted from the stack and was installed without notifying DEQ. As a result, the stipulation agreement between DEQ and Western Sugar Company was readjusted to account for the changed characteristics of the exit gas plume. The changed conditions of the stipulation were as follows: the boiler house stack must be raised to a minimum height of 54.9 meters instead of the original 51.8 meters. Originally, the boiler house stack was 120 feet tall and the extension would add another 60 feet that would produce a total stack height of 180 feet (54.9 meters) above ground level. As part of the 1995 proposed Billings/Laurel SO₂ State Implementation Plan, Western Sugar Company and DEQ stipulated that Western Sugar Company shall extend the height of the

boiler house stack to at least 54.9 meters to receive Good Engineering Practices (GEP). In addition to the boiler house stack extension, Western Sugar Company agreed to accept lower emission limitations for sulfur dioxide (SO₂) as follows:

1. Combined 3-hour emissions of SO₂ from the east dryer stack and west dryer stack shall not exceed 88.5 pounds per 3-hour period;
2. Combined daily emissions of SO₂ from the east dryer stack and west dryer stack shall not exceed 708.0 pounds per calendar day; and
3. Combined annual emissions of SO₂ from the east dryer stack and west dryer stack shall not exceed 148,680 pounds per calendar year.

On June 12, 1998, an agreement between DEQ and Western Sugar Company was completed. The June 12, 1998, Stipulation (STIP) identifies specific emission limitations, monitoring, and reporting requirements that were established through the agreement. **MAQP #2912-00** was issued replacing Permit #286, #485, #913 and #1227.

On May 17, 2002, DEQ received a request from Western Sugar Company to modify Permit #2912-00. The Western Sugar Company proposal requested that Permit #2912-00 be updated to reflect the name change from Western Sugar Company to WSC. In addition, the permit analysis was updated to reflect the de minimis change of replacing a wet scrubber on one of the two cooling sugar granulators with a more efficient baghouse. Further, the permit was updated to reflect the most up-to-date permit language. **MAQP #2912-01** replaced MAQP #2912-00.

On June 23, 2003, DEQ received a de minimis notification from WSC. The change involved replacing the wet scrubber on the second cooling sugar granulator with a more efficient baghouse. The permit action updated the permit analysis to reflect the change and updated the facility's mailing address. In addition, the permit format, language, and rule references were updated to reflect the Department's current permit format, language, and rule references. **MAQP #2912-02** replaced MAQP #2912-01.

On July 30, 2003, DEQ received a complete application from Bison Engineering, Inc. on behalf of WSC for the modification of the diffuser at WSC's facility. The existing slope diffuser was replaced with a more efficient tower diffuser. Although the diffuser is not an emitting unit, the diffuser had the potential to affect the downstream emitting units (pressed pulp dryers and pelletizer cooler). Therefore, WSC requested federally enforceable throughput limits on the pressed pulp dryers and the pelletizer cooler that limited potential emissions levels below PSD significance levels. **MAQP #2912-03** replaced MAQP #2912-02.

On April 14, 2004, DEQ received a complete application from WSC for the addition of a federally enforceable permit condition to Permit #2912-03 requiring the operation of existing coal boiler pollution control equipment. Although the permit action did not make a physical change to the WSC facility, it required WSC to operate the scrubbers whenever the coal boilers are in operation. **MAQP #2912-04** replaced MAQP #2912-02.

D. Current Permit Action

On February 23, 2026, DEQ received a request from WSC for an administrative amendment (AA) of MAQP #2912-04. The purpose of the AA is to update MAQP requirements removed from the 1998 stipulation agreement (STIP) between WSC, the United States Environmental Protection Agency (EPA), and DEQ related to attainment of the 1971 National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO₂) in the Billings/Laurel area.

On August 13, 2025, an order (2025 Stipulation Order) for modifications to the 1998 STIP was issued by the Department. The requirements of the 2025 Stipulation Order supersede all requirements of the 1998 STIP. Further, EPA approved and incorporated the changes under the 2025 Stipulation Order into the Montana State Implementation Plan (SIP). This AA addresses several of the MAQP STIP-related changes, while the majority of the administrative updates will occur through amendment of the WSC Title V Operating Permit #OP2912-09 under a separate permit action. Unrelated to the 2025 Stipulation Order, all applicable NSPS (40 CFR 60) and NESHAP (40 CFR 63) subparts were incorporated into the MAQP. Additionally, a revised emission inventory was included for completeness. **MAQP #2912-05** replaces MAQP #2912-04.

E. Response to Public Comments

There is no public comment period as this is an administrative action.

F. Additional Information (Changes to an existing permit)

Additional information, such as applicable rules and regulations, Best Available Control Technology (BACT)/Reasonably Available Control Technology (RACT) determinations, air quality impacts, and environmental assessments, is included in the analysis associated with each change to the permit.

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from DEQ. Upon request, DEQ will provide references for location of complete copies of all applicable rules and regulations or copies where appropriate.

A. ARM 17.8, Subchapter 1 – General Provisions, including but not limited to:

1. ARM 17.8.101 Definitions. This rule includes a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of DEQ, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by DEQ.

3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by DEQ, any source or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq.*, Montana Code Annotated (MCA).

WSC shall comply with the requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from DEQ upon request.

4. ARM 17.8.110 Malfunctions. (2) DEQ must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.
5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means that, without resulting in reduction of the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner as to create a public nuisance.

B. ARM 17.8, Subchapter 2 – Ambient Air Quality, including, but not limited to the following:

1. ARM 17.8.204 Ambient Air Monitoring
2. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
3. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
4. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
5. ARM 17.8.213 Ambient Air Quality Standard for Ozone
6. ARM 17.8.214 Ambient Air Quality Standard for Hydrogen Sulfide
7. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
8. ARM 17.8.221 Ambient Air Quality Standard for Visibility
9. ARM 17.8.222 Ambient Air Quality Standard for Lead
10. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀
11. ARM 17.8.230 Fluoride in Forage

WSC must maintain compliance with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 – Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may 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.
2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of less than 20% for all fugitive emission sources and that reasonable precautions be

taken to control emissions of airborne particulate matter. (2) Under this rule, WSC 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.

3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause, allow, or permit to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this rule.
4. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause, allow, or permit to be discharged into the atmosphere particulate matter in excess of the amount set forth in this rule.
5. ARM 17.8.316 Incinerators. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any incinerator, particulate matter in excess of 0.10 grains per standard cubic foot of dry flue gas, adjusted to 12% carbon dioxide and calculated as if no auxiliary fuel had been used. Further, no person shall cause or authorize to be discharged into the outdoor atmosphere from any incinerator emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes.
6. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this rule.
7. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) No person shall 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 as described in (1) of this rule.
8. ARM 17.8.340 Standard of Performance for New Stationary Sources and Emission Guidelines for Existing Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). The WSC facility is not an NSPS affected source because the steam generation boilers were installed prior to the applicability dates of 40 CFR 60, Subparts D, Da, Db, and Dc. In addition, the heat input rates for the steam generation units are less than the applicable requirements in 40 CFR 60, Subparts D and Da.

The coal pile is now noted as being subject to 40 CFR 60 CCCCCC.

9. ARM 17.8.341 Emission Standards for Hazardous Air Pollutants. This source shall comply with the standards and provisions of 40 CFR Part 61, as appropriate. WSC is not subject to any applicable subparts under 40 Part 61.
10. ARM 17.8.342 Emission Standards for Hazardous Air Pollutants for Source Categories. The source, as defined and applied in 40 CFR Part 63, shall comply with the requirements of 40 CFR Part 63, as listed below. By requesting a federally

enforceable permit condition requiring the operation of the coal boiler emission control equipment, WSC can take credit for the emissions reductions associated with the coal boiler scrubbers. Therefore, the MACT standards for Industrial, Commercial and Institutional Boilers, and Process Heaters (40 CFR, Part 63, Subpart DDDDD) are not applicable to WSC's coal boilers.

40 CFR 63, Subpart JJJJJJ is applicable to startup, shutdown and malfunction plans for the Riley Boilers.

40 CFR 63, Subpart CCCCCC is applicable to the gasoline storage tank.

D. ARM 17.8, Subchapter 5 – Air Quality Permit Application, Operation, and Open Burning Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that an applicant submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to DEQ. A permit application fee was not required for the current permit action because the permit change is considered an administrative change.
2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to DEQ by each source of air contaminants holding an air quality permit (excluding an open burning permit) issued by DEQ. The air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. DEQ may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that prorate the required fee amount.

E. ARM 17.8, Subchapter 7 – Permit, Construction, and Operation of Air Contaminant Sources, including, but not limited to:

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a person to obtain an air quality permit or permit modification to construct, modify, or use any air contaminant sources that have the potential to emit (PTE) greater than 25 tons per year of any pollutant. WSC has a PTE greater than 25 tons per year PM, PM₁₀, NO_x, CO, VOCs, and SO₂, therefore, an air quality permit is required.
3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit program.

4. ARM 17.8.745 Montana Air Quality Permits--Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that do not require a permit under the Montana Air Quality Permit Program.
5. ARM 17.8.748 New or Modified Emitting Units--Permit Application Requirements.
(1) This rule requires that a permit application be submitted prior to installation, modification, or use of a source. A permit application was not required for the current permit action because the permit change is considered an administrative permit change. 7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. An affidavit of publication of public notice was not required for the current permit action because the permit change is considered an administrative permit change.
6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by DEQ must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.
7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section III of this permit analysis.
8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by DEQ at the location of the source.
9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving WSC of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq.*
10. ARM 17.8.759 Review of Permit Applications. This rule describes DEQ's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.
11. ARM 17.8.760 Additional Review of Permit Applications. This rule describes DEQ's responsibilities for processing permit applications and making permit decisions on those applications that require an environmental impact statement.
12. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or modified source may contain a condition providing that the

permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.

13. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
14. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.
15. ARM 17.8.765 Transfer of Permit. This rule states that an air quality permit may be transferred from one person to another if written notice of intent to transfer, including the names of the transferor and the transferee, is sent to DEQ.

F. ARM 17.8, Subchapter 8 – Prevention of Significant Deterioration of Air Quality, including, but not limited to:

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
2. ARM 17.8.818 Review of Major Stationary Sources and Major Modifications--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification, with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

WSC's facility in Billings, Montana is defined as a major stationary source because it is a listed source with a PTE greater than 100 tons per year of one or more criteria pollutants. However, because this is an administrative amendment, will not result in emissions that are greater than the significance levels; therefore, a PSD review is not necessary.:

G. ARM 17.8, Subchapter 10 – Preconstruction Permit Requirements for Major Stationary Sources of Modifications Located Within Attainment or Unclassified Areas, including, but not limited to:

ARM 17.8.1004 When Air Quality Preconstruction Permit Required. This current permit action does not constitute a major modification. Therefore, the requirements of this subchapter do not apply.

H. ARM 17.8, Subchapter 12 – Operating Permit Program Applicability, including, but not limited to:

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any source having:
 - a. PTE > 100 tons/year of any pollutant;
 - b. PTE > 10 tons/year of any one hazardous air pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as DEQ may establish by rule; or
 - c. PTE > 70 tons/year of particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) in a serious PM₁₀ nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program. (1) Title V of the FCAA amendments of 1990 requires that all sources, as defined in ARM 17.8.1204(1), obtain a Title V Operating Permit. In reviewing and issuing MAQP #2912-05 for WSC, the following conclusions were made:
 - a. The facility's PTE is greater than 100 tons/year for any pollutant.
 - b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 tons/year for all HAPs.
 - c. This source is not located in a serious PM10 nonattainment area.
 - d. This facility is subject to NSPS 40 CFR 60 Subpart Y.
 - e. This facility is subject to NESHAP 40 CFR 63, Subpart CCCCCC and Subpart JJJJJJ.
 - f. This source is not a Title IV affected source, or a solid waste combustion unit.
 - g. This source is not an EPA designated Title V source.

Based on these facts, DEQ determined that WSC is subject to the Title V operating permit program, and changes made within the MAQP that also reside in the Title V Operator permit, will be updated accordingly.

III. BACT Determination

A BACT determination is required for each new or modified source. WSC shall install on the new or modified source the maximum air pollution control capability which is technically practicable and economically feasible, except that BACT shall be utilized.

A BACT analysis was not required for the current permit action because the current permit action is considered an administrative permit action.

IV. Emission Inventory

Source	Pollutants (ton/yr)					
	PM	PM ₁₀	NO _x	VOC	CO	SO _x
Erie City Boiler #1	190.15	190.15	158.71	3.12	47.61	0.34
Boiler Stack	358.31	358.31	481.17	3.21	384.94	719.21
C. B. Boiler #5	40.99	40.99	7.30	0.40	6.13	0.04
Combined East & West Pulp Dryer Stacks	105.57	105.57	334.81	6.85	100.44	74.34
Pellet Mill/Conveyor	122.2	122.2	---	---	---	---
Pelletizer-Cooler	122.2	122.2	---	---	---	---
Sugar Dryer Cooler	195.2	195.2	---	---	---	---
Burnt Lime Collector	45.18	45.18	---	---	---	---
Lime Slaker Vent	45.18	45.18	---	---	---	---
Coke Coal Handling – Fugitives	2.14	0.78	---	---	---	---
Limestone Handling – Fugitives	1.31	0.66	---	---	---	---
Wind Erosion – Fugitives	20.52	7.18	---	---	---	---
Fuel Gasoline Storage Tank				.05		
Beet Piling Fugitives	6.30	2.52				
Truck Handling – Fugitives	33.6	8.6	---	---	---	---
Total Emissions						

Footnotes: Developed from OP2912-09_2021_08_24_APP and OP2912_10_2024_01_01_APP

V. Existing Air Quality

WSC is located approximately 0.5 miles inside of the east boundary of a State, limited maintenance plan area for CO which was redesignated in April 2002. It is also 0.5 miles west of the boundary of a Federal SO₂ non-attainment area, which was redesignated as a maintenance area in 2017. The rest of Yellowstone County is “Unclassifiable/Attainment” for all other air quality criteria pollutants (40 CFR 81.327).

VI. Air Quality Impacts

DEQ determined that there will be no impacts from this permitting action because this permitting action is considered an administrative permit action. Therefore, DEQ believes this action will not cause or contribute to a violation of any ambient air quality standard.

VII. Ambient Air Impact Analysis

DEQ determined that there will be no impacts from this permitting action. DEQ believes it will not cause or contribute to a violation of any ambient air quality standard.

VIII. Taking or Damaging Implication Analysis

As required by § 2-10-105, MCA, DEQ 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?
	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)

IX. Environmental Assessment

This permit is an administrative action; therefore, an environmental assessment is not required.

Analysis Prepared By: Craig Henrikson

Date: March 11, 2026