

Date of Posting: November 5, 2025

Joshua Burandt  
NYDIG DFM, LLC  
Judith Warren Site  
One Vanderbilt Avenue, 65<sup>th</sup> Floor  
New York, NY 10017

**RE: Final and Effective Montana Air Quality Permit #5323-02**

Sent via email: [Joshua.burandt@nydig.com](mailto:Joshua.burandt@nydig.com)

Dear Mr. Burandt:

Montana Air Quality Permit (MAQP) #5323-02 for the above-named permittee is deemed final and effective as of November 5, 2025, by the Montana Department of Environmental Quality (DEQ). All conditions of the Decision remain the same. A copy of final MAQP #5323-02 is enclosed.

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](mailto:eric.merchant2@mt.gov)



Troy Burrows, Air Quality Scientist  
Air Quality Permitting Services Section  
Air Quality Bureau  
Air, Energy, and Mining Division  
(406) 444-1452  
[troy.burrows@mt.gov](mailto:troy.burrows@mt.gov)

**Montana Department of Environmental Quality  
Air, Energy & Mining Division  
Air Quality Bureau**

Montana Air Quality Permit #5323-02

NYDIG DFM, LLC  
Judith Warren Site  
One Vanderbilt Avenue, 65th Floor  
New York, NY 10017

Final and Effective Date:  
November 5, 2025



Issued To:  
NYDIG DFM, LLC  
Judith Warren Site  
One Vanderbilt Avenue, 65<sup>th</sup> Floor New  
York, NY 10017

MAQP: #5323-02  
Administrative Amendment (AA)  
Received: 10/7/2025  
Department's Decision on AA: 10/20/2025  
Permit Final: 11/05/2025

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to NYDIG DFM, LLC, Judith Warren Site (NYDIG), 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:

#### Section I: Permitted Facilities

##### A. Plant Location

This facility is located approximately 5 miles north-northwest of Bainville, Montana, in Section 10, Township 25 North, Range 59 East, in Richland County, 47.926691°N, latitude and -104.081752°W, longitude, and is known as the Judith Warren site.

##### B. Current Permit Action

On October 7, 2025, pursuant to the applicable requirements of ARM 17.8.764, the Montana Department of Environmental Quality (DEQ) received a request for Administrative Amendment of MAQP #5321-01 from NYDIG. The current permit action removes the annual Title V synthetic minor certification requirement from the permit because allowable emissions from the facility are less than the Title V operating permit threshold, and the permit does not include federally enforceable conditions or limits to keep emissions below the threshold. Therefore, NYDIG is a true minor source and certification of Title V synthetic minor status is not applicable. All other conditions of the permit remain the same. **MAQP #5321-02** replaces MAQP #5321-01.

#### Section II: Conditions and Limitations

##### A. Emission Limitations

1. The combined maximum rated brake horsepower (bhp) of the engine(s) shall not exceed 15,000 bhp (ARM 17.8.749).
2. Emissions from each individual natural gas-fired engine located at the Judith Warren Site shall not exceed the following (ARM 17.8.752):

PM, PM<sub>10</sub>, PM<sub>2.5</sub> – 0.06 lb/hr or 0.01 grams per bhp-hour (g/bhp-hr)

NO<sub>x</sub> – 0.83 lb/hr or 0.15 g/bhp-hr

CO – 1.65 lb/hr or 0.30 g/bhp-hr

VOC – 0.17 lb/hr or 0.03 g/bhp-hr  
SO<sub>2</sub> – 0.03 lb/hr

3. NYDIG shall operate and maintain a NSCR unit and an AFR controller within the parameters recommended by the equipment manufacturer on each natural gas fired engine (ARM 17.8.752).
4. NYDIG shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any sources installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).
5. NYDIG 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).
6. NYDIG 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.5 (ARM 17.8.749).
7. NYDIG shall comply with all applicable standards and limitations, and the reporting, recordkeeping and notification requirements contained in Title 40 Code of Federal Regulations (CFR) 60, Subpart A, Subpart JJJJ (ARM 17.8.340 and 40 CFR 60, Subpart(s) A and JJJJ).
8. NYDIG shall comply with all applicable standards and limitations, and the reporting, recordkeeping and notification requirements contained in 40 CFR 63, Subpart A, Subpart ZZZZ (ARM 17.8.340 and 40 CFR 63, Subpart(s) A and ZZZZ).

B. Testing Requirements

1. NYDIG shall demonstrate compliance with the NO<sub>x</sub>, CO, and VOC limits in Section II.A.2 via source testing conducted within 180 days after equipment commencement. Source testing shall be conducted for NO<sub>x</sub>, CO, and VOCs simultaneously. Compliance test results are determined by the average of three 1-hour or longer runs. Results shall be submitted to the Montana Department of Environmental Quality (DEQ) to demonstrate compliance with the emission limitations in Section II.A.2 (ARM 17.8.105 and ARM 17.8.749).
2. Following the calendar date of the initial compliance demonstration, compliance with the applicable emission limits shall be demonstrated via source testing for NO<sub>x</sub>, CO, and VOCs simultaneously within 8,760 operating hours or 3 years, whichever comes first. Source testing shall follow the applicable methods defined in 40 CFR 60 Subpart JJJJ, or equivalent methods as approved in writing by DEQ. Future compliance demonstration shall be required at the same frequency for each engine on site from the date of the last compliance demonstration (ARM 17.8.105,

ARM 17.8.749, ARM 17.8.340, 40 CFR 60 Subpart JJJJ, and 40 CFR 60 Subpart ZZZZ).

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

#### C. Operational Reporting Requirements

1. NYDIG 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. NYDIG shall submit the following information annually to the DEQ by March 1 of each year; the information may be submitted along with the annual emission inventory (ARM 17.8.505).

- Annual production

2. NYDIG 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 required in ARM 17.8.745(l)(d) (ARM 17.8.745).

3. All records compiled in accordance with this permit must be maintained by NYDIG 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).

#### D. Notification

NYDIG shall notify DEQ in writing of the date of commencement of operation of each generator engine within 30-days following the date of commencement (ARM 17.8.749).

### SECTION III: General Conditions

- A. Inspection – NYDIG 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 NYDIG fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving NYDIG 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 NYDIG 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 (MAQP) Analysis  
NYDIG DFM, LLC – Judith Warren Site  
MAQP #5323-02

I. Introduction/Process Description

This facility is to be located approximately 5 miles east northeast of Bainville, Montana, in Section 10, Township 25 North, Range 59 East, in Richland County, 47.926691°N, latitude and -104.081752°W, longitude, and is known as the Judith Warren Site.

A. Permitted Equipment

NYDIG proposes to install and operate up to six (6) Waukesha 9394 GSI engines rated at 2500 brake-horsepower (bhp)/engine or less.

B. Source Description

The engines would be used to generate electricity to power a data center through the combustion of field gas from multiple well pads that would otherwise be flared from an existing oil and gas facility. Each engine utilizes an air/fuel ratio (AFR) controller and Non-Selective Catalytic Reduction (NSCR) to reduce emissions.

C. Permit History

On October 17, 2024 the Montana Department of Environmental Quality (DEQ) received an application for a Montana Air Quality Permit from Crusoe Energy Systems, Inc. to install and operate up to six (6) Waukesha 9394 GSI engines (or equivalent) rated at 2500 brake-horsepower (bhp)/engine or less to be used to generate electricity to power a data center through the combustion of field gas gathered from multiple well pads that would otherwise be flared from an existing oil and gas facility. Each engine utilizes an air to fuel ratio (AFR) controller and Non-Selective Catalytic Reduction (NSCR) to reduce emissions. DEQ issued **MAQP 5323-00**.

On July 7, 2025, the Montana Department of Environmental Quality (DEQ), pursuant to the applicable requirements of ARM 17.8.764, Administrative Amendment to Permit, received a request to transfer ownership of the Judith Warren site and this permit from Crusoe Energy Systems, Inc., to NYDIG DFM, LLC. All conditions of the permit remain unchanged. **MAQP 5323-01** replaced 5321-00.

D. Current Permit Action

On October 7, 2025, pursuant to the applicable requirements of ARM 17.8.764, the Montana Department of Environmental Quality (DEQ) received a request for Administrative Amendment of MAQP #5321-01 from NYDIG. The current permit action removes the annual Title V synthetic minor certification requirement from the permit because allowable emissions from the facility are less than the Title V operating permit threshold, and the permit does not include federally enforceable conditions or limits to

keep emissions below the threshold. Therefore, NYDIG is a true minor source and certification of Title V synthetic minor status is not applicable. All other conditions of the permit remain the same. **MAQP #5321-02** replaces MAQP #5321-01.

## 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 the Department of Environmental Quality (DEQ). Upon request, DEQ will provide references for the 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).  
NYDIG 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 PM<sub>10</sub>
11. ARM 17.8.230 Fluoride in Forage

NYDIG 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, NYDIG 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). NYDIG is considered an NSPS affected facility under 40 CFR Part 60 and is subject to the requirements of the following subparts.
    - a. 40 CFR 60, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart as listed below:
    - b. 40 CFR 60, Subpart JJJJ Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The proposed engines will be ordered after June 12, 2006, and manufactured after either July 1, 2007, or July 2, 2008, as applicable based on horsepower. Therefore, the engines operated at this facility are subject to this regulation.
  9. 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:
    - a. 40 CFR 63, Subpart A – General Provisions apply to all equipment or facilities subject to a NESHAP Subpart as listed below:
    - b. 40 CFR 63, Subpart ZZZZ – National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Subpart ZZZZ applies to the new reciprocating engines but compliance with Subpart ZZZZ is demonstrated by compliance with 40 CFR 60 Subpart JJJJ.
- 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. NYDIG was not required to submit a permit application fee for the current permit action, as it is an administrative action.
  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. NYDIG has a PTE greater than 25 tons per year of Oxides of Nitrogen (NO<sub>x</sub>) and Carbon Monoxide (CO); 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. NYDIG submitted the required permit application for the current permit action. (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. NYDIG was not required to submit an affidavit of publication of public notice for this action, as it was an administrative action.
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 NYDIG 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.
16. ARM 17.8.770 Additional Requirements for Incinerators. This rule specifies the additional information that must be submitted to DEQ for incineration facilities subject to 75-2-215, Montana Code Annotated (MCA).
17. ARM 17.8.771 Mercury Emission Standards for Mercury-Emitting Generating Units. This rule identifies mercury emission limitation requirements, mercury control strategy requirements, and application requirements for mercury-emitting generating units.

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.

This facility is not a major stationary source because this facility is not a listed source and the facility's PTE is below 250 tons per year of any pollutant (excluding fugitive emissions).

G. 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 (PM<sub>10</sub>) in a serious PM<sub>10</sub> 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 #5323-00 for NYDIG, the following conclusions were made:
  - a. The facility's PTE is less 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 PM<sub>10</sub> nonattainment area.
  - d. This facility is subject to current NSPS (40 CFR 60, Subparts A and JJJJ).
  - e. This facility is subject to current NESHAP (40 CFR 63, Subparts A and ZZZZ).
  - f. This source is not a Title IV affected source.
  - g. This source is not a solid waste combustion unit.

h. This source is not an EPA designated Title V source.

Based on these facts, DEQ determined that NYDIG is a minor source of emissions as defined under Title V. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, NYDIG will be required to obtain a Title V Operating Permit.

### III. BACT Determination

A BACT determination is required for each new or modified source. NYDIG 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

| <b>CONTROLLED</b>                           | <b>tons/year</b> |                        |                         |                       |              |             |                       |             |
|---------------------------------------------|------------------|------------------------|-------------------------|-----------------------|--------------|-------------|-----------------------|-------------|
| <b>Emission Source</b>                      | <b>PM</b>        | <b>PM<sub>10</sub></b> | <b>PM<sub>2.5</sub></b> | <b>NO<sub>x</sub></b> | <b>CO</b>    | <b>VOC</b>  | <b>SO<sub>2</sub></b> | <b>HAPs</b> |
| 2,500 bhp Compressor Engines (6) (combined) | 9.98             | 9.98                   | 9.98                    | 21.73                 | 43.45        | 4.35        | 0.30                  | 6.26        |
| <b>Total Emissions</b>                      | <b>9.98</b>      | <b>9.98</b>            | <b>9.98</b>             | <b>21.73</b>          | <b>43.45</b> | <b>4.35</b> | <b>0.30</b>           | <b>6.26</b> |

Calculations:

#### **Waukesha Engine(s), 15,000**

Note: Emissions are based on the power output of the engine (2500 bhp).

Operational Capacity of Engine = 6 engines

Brake horsepower

Pounds per gram

Hours of Operation = 8,760.00 hr/yr

6 engines  
15,000 bhp  
0.002204 lb/gr  
8760 hr/yr

PM Emissions:

PM Emissions = 9.98 ton/yr (Assume all PM < 1.0 um)

9.98 ton/yr

PM-10 Emissions:

Emission Factor = 0.38 lb/hr (BACT)

0.38 lb/hr

Calculation: ((6 engines) \* (8,760 hr/yr) \* (0.38 lb/hr) / (ton/2000 lb))  
= 9.98 ton/yr

9.98 ton/yr

PM2.5 Emissions

Emission Factor = 0.38 lb/hr (BACT)

0.38 lb/hr

Calculation: ((6 engines) \* (8,760 hr/yr) \* (0.38 lb/hr) / (ton/2000 lb))  
= 9.98 ton/yr

9.98 ton/yr

NO<sub>x</sub> Emissions:

Emission Factor = 0.15 gr/bhp-hr (BACT) 0.15 **gr/bhp-hr**  
 Calculation:  $((0.15 \text{ gr/bhp-hr}) * (15,000 \text{ bhp}) * (8,760 \text{ hr/yr}) * (0.0022 \text{ lb/gr}) / (\text{ton}/2000 \text{ lb}) = 21.73 \text{ ton/yr}$  21.73 **ton/yr**

CO Emissions:

Emission Factor = 0.3 gr/bhp-hr (BACT) 0.3 **gr/bhp-hr**  
 Calculation:  $((0.30 \text{ gr/bhp-hr}) * (15,000 \text{ bhp}) * (8,760 \text{ hr/yr}) * (0.0022 \text{ lb/gr}) / (\text{ton}/2000 \text{ lb}) = 43.45 \text{ ton/yr}$  43.45 **ton/yr**

VOC Emissions:

Emission Factor = 0.03 gr/bhp-hr (BACT) 0.03 **gr/bhp-hr**  
 Calculation:  $((0.03 \text{ gr/bhp-hr}) * (15,000 \text{ bhp}) * (8,760 \text{ hr/yr}) * (0.0022 \text{ lb/gr}) / (\text{ton}/2000 \text{ lb}) = 4.35 \text{ ton/yr}$  4.35 **ton/yr**

SO<sub>x</sub> Emissions:

Emission Factor = 0.08 lb/hr (BACT) 0.08 **lb/hr**  
 Calculation:  $((6 \text{ engines}) * (8,760 \text{ hr/yr}) * (0.08 \text{ lb/hr}) / \text{ton}/2000 \text{ lb}) = 0.30 \text{ ton/yr}$  0.30 **ton/yr**

HAPs Emissions

Emission Factor = 0.01 lb/hr 0.01 **lb/hr**  
 Calculation:  $((6 \text{ engines}) * (8,760 \text{ hr/yr}) * (0.01 \text{ lb/hr}) / (\text{ton}/2000 \text{ lb}) = 6.26 \text{ ton/yr}$  6.26 **ton/yr**

V. Existing Air Quality

Richland County is currently designated as attainment/unclassifiable for all pollutants.

VI. Ambient Air Impact Analysis

As the action is an administrative action, no changes to the ambient air quality would occur.

VII. 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?                                               |

| YES | NO |                                                                                                                                                                                                                                                                               |
|-----|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | 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) |

The proposed project would take place on private land. DEQ has determined that the permit conditions are reasonably necessary to ensure compliance with applicable requirements under the Montana Clean Air Act. Therefore, DEQ's approval of MAQP #5323-02 would not have private property-taking or damaging implications.

#### VIII. Environmental Assessment

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

Analysis Prepared By: Troy Burrows  
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