



September 28, 2022

Laura K. Sleevei, Northern US & Texas Products Area Manager  
ExxonMobil Corporation  
Billings Petroleum Terminal  
670 ExxonMobil Road  
Billings, MT 59101

Sent via email: [laura.k.sleevei@exxonmobil.com](mailto:laura.k.sleevei@exxonmobil.com)

**RE: Decision on Title V Operating Permit #OP2967-13**

Dear Ms. Sleevei:

DEQ prepared this Final Operating Permit #OP2967-13, for ExxonMobil Corporation, located in Billings, Montana.

This permit must be kept at the facility or a DEQ-approved location.

If you have any questions, contact John P. Proulx, the permit writer, at (406) 444-5391 or by email at [jproulx@mt.gov](mailto:jproulx@mt.gov).

Sincerely,

Julie A. Merkel  
Permitting Services Section Supervisor  
Air Quality Bureau  
(406) 444-3626

John P. Proulx  
Environmental Scientist 2  
Air Quality Bureau  
(406) 444-5391

cc: Branch Chief, Air Permitting and Monitoring Branch, US EPA Region VIII 8ARD-PM  
Carson Coate, US EPA Region VIII, Montana Office  
Robert Gallagher, US EPA Region VIII, Montana Office

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

**AIR QUALITY OPERATING PERMIT #OP2967-13**

Issued to:

**ExxonMobil Corporation  
Billing Petroleum Terminal  
670 ExxonMobil Road  
Billings, MT 59101-1136**

<b>Final/Effective Date:</b>	<b>09/17/2022</b>
<b>Expiration Date:</b>	<b>04/10/2025</b>
<b>Complete Renewal Application Due:</b>	<b>10/10/2024</b>

Date of Decision:	08/17/2022
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Administrative Amendment Received:	07/27/2022
Application Deemed Substantively Complete:	07/27/2022
Application Deemed Administratively Complete:	07/27/2022
AFS Number: 030-111-0024A	

**Permit Issuance and Appeal Processes:** DEQ issues this permit as effective and final on September 16, 2022. This permit must be kept at the facility or a DEQ-approved location (Montana Code Annotated (MCA) Sections 75-2-217 and 218, Administrative Rules of Montana (ARM), ARM Title 17, Chapter 8, Subchapter 12, Operating Permit Program).

Montana Air Quality Operating Permit  
Department of Environmental Quality

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Terms not otherwise defined in this permit or in the Definitions and Abbreviations Appendix B of this permit have the meaning assigned to them in the referenced regulations.

## **SECTION I. GENERAL INFORMATION**

The following general information is provided pursuant to ARM 17.8.1210(1).

Company Name: Exxon Mobil Corporation – Billings Terminal

Mailing Address: 607 ExxonMobil Road

City: Billings State: Montana Zip: 59101

Plant Location: Section 25, Township 1 North, Range 26 East, Yellowstone County, Montana

Responsible Official: Laura K. Sleevi, Northern US & Texas Products Area Manager

Facility Contact Person: Marshall Berg, Field Environmental Advisor

Primary SIC Code: 5171 (2911 in conjunction with Refinery)

Nature of Business: Petroleum Bulk Stations and Terminals

Description of Process: The terminal consists of a loading rack with a vapor collection and processing system and several additive tanks, plus one interface tank and oil/water separation system. The nearby Refinery manufactures various fuel products for sale. Because the ExxonMobil Billings Refinery and the ExxonMobil Billings Terminal are two separate business units, ExxonMobil Corporation requests 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, and the Terminal is required to maintain a Title V permit.

The Refinery also owns and operates several product tanks located at the Terminal. The product tanks are part of the Refinery permit. The Refinery transfers product to the Terminal for additive blending and distribution over the Terminal loading rack.

## SECTION II. SUMMARY OF EMISSION UNITS

The emission units regulated by this permit are the following (ARM 17.8.1211):

<b>Emissions Unit ID</b>	<b>Description</b>	<b>Pollution Control Device/Practice</b>
EU001	Gasoline Loading Operations / Vapor Recovery Unit	Carbon Adsorption Recovery Unit, Vapor Combustion Unit, or other Vapor Processing System
EU002	Loading Rack Fugitive Emissions	None

**A list of insignificant emission sources is included in Appendix A.**

### SECTION III. PERMIT CONDITIONS

The following requirements and conditions are applicable to the facility or to specific emission units located at the facility (ARM 17.8.1211, 1212, and 1213).

#### A. Facility-Wide

Conditions	Rule Citation	Rule Description	Pollutant/Parameter	Limit
A.1	ARM 17.8.105	Testing Requirements	Testing Requirements	-----
A.2	ARM 17.8.304(1)	Visible Air Contaminants	Opacity	40%
A.3	ARM 17.8.304(2)	Visible Air Contaminants	Opacity	20%
A.4	ARM 17.8.308(1)	Particulate Matter, Airborne	Fugitive Opacity	20%
A.5	ARM 17.8.308(2)	Particulate Matter, Airborne	Reasonable Precautions	-----
A.6	ARM 17.8.308	Particulate Matter, Airborne	Reasonable Precaution, Construction	20%
A.7	ARM 17.8.309	Particulate Matter, Fuel Burning Equipment	Particulate Matter	$E = 0.882 * H^{-0.1664}$ Or $E = 1.026 * H^{-0.233}$
A.8	ARM 17.8.310	Particulate Matter, Industrial Processes	Particulate Matter	$E = 4.10 * P^{0.67}$ or $E = 55 * P^{0.11} - 40$
A.9	ARM 17.8.322(4)	Sulfur Oxide Emissions, Sulfur in Fuel	Sulfur in Fuel (liquid or solid fuels)	1 lb/MMBtu fired
A.10	ARM 17.8.322(5)	Sulfur Oxide Emissions, Sulfur in Fuel	Sulfur in Fuel (gaseous)	50 gr/100 CF
A.11	ARM 17.8.324(3)	Hydrocarbon Emissions, Petroleum Products	Gasoline Storage Tanks	-----
A.12	ARM 17.8.324	Hydrocarbon Emissions, Petroleum Products	65,000 Gallon Capacity	-----
A.13	ARM 17.8.324	Hydrocarbon Emissions, Petroleum Products	Oil-effluent Water Separator	-----
A.14	ARM 17.8.342	NESHAPs General Provisions	SSM Plans	Submittal
A.15	ARM 17.8.1211(1)(c) and 40 CFR Part 98	Greenhouse Gas Reporting	Reporting	-----
A.16	ARM 17.8.1212	Reporting Requirements	Prompt Deviation Reporting	-----
A.17	ARM 17.8.1212	Reporting Requirements	Compliance Monitoring	-----
A.18	ARM 17.8.1207	Reporting Requirements	Annual Certification	-----

## Conditions

- A.1. Pursuant to ARM 17.8.105, 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 test, emission or ambient, for such periods of time as may be necessary using methods approved by DEQ.

Compliance demonstration frequencies that list “as required by DEQ” refer to ARM 17.8.105. In addition, for such sources, compliance with limits and conditions listing “as required by DEQ” as the frequency, is verified annually using emission factors and engineering calculations by DEQ’s compliance inspectors during the annual emission inventory review; in the case of Method 9 tests, compliance is monitored during the regular inspection by the compliance inspector.

- A.2. Pursuant to ARM 17.8.304(1), ExxonMobil 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, unless otherwise specified by rule or in this permit.
- A.3. Pursuant to ARM 17.8.304(2), ExxonMobil 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, unless otherwise specified by rule or in this permit.
- A.4. Pursuant to ARM 17.8.308(1), ExxonMobil shall not cause or authorize the production, handling, transportation, or storage of any material unless reasonable precautions to control emissions of particulate matter are taken. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit.
- A.5. Pursuant to ARM 17.8.308(2), ExxonMobil 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, unless otherwise specified by rule or in this permit.
- A.6. Pursuant to ARM 17.8.308, ExxonMobil shall not operate a construction site or demolition project unless reasonable precautions are taken to control emissions of airborne particulate matter. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit.
- A.7. Pursuant to ARM 17.8.309, unless otherwise specified by rule or in this permit, ExxonMobil shall not cause or authorize particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the outdoor atmosphere in excess of the maximum allowable emissions of particulate matter for existing fuel burning equipment and new fuel burning equipment calculated using the following equations:

For existing fuel burning equipment (installed before November 23, 1968):

$$E = 0.882 * H^{-0.1664}$$

For new fuel burning equipment (installed on or after November 23, 1968):

$$E = 1.026 * H^{-0.233}$$

Where H is the heat input capacity in million BTU (MMBtu) per hour and E is the maximum allowable particulate emissions rate in pounds per MMBtu.

- A.8. Pursuant to ARM 17.8.310, unless otherwise specified by rule or in this permit, ExxonMobil shall not cause or authorize particulate matter to be discharged from any operation, process, or activity into the outdoor atmosphere in excess of the maximum hourly allowable emissions of particulate matter calculated using the following equations:

For process weight rates up to 30 tons per hour:  $E = 4.10 * P^{0.67}$

For process weight rates in excess of 30 tons per hour:  $E = 55.0 * P^{0.11} - 40$

Where E = rate of emissions in pounds per hour and P = process weight rate in tons per hour.

- A.9. Pursuant to ARM 17.8.322(4), ExxonMobil shall not burn liquid or solid fuels containing sulfur in excess of 1 pound per million BTU fired, unless otherwise specified by rule or in this permit.
- A.10. Pursuant to ARM 17.8.322(5), ExxonMobil shall not burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, unless otherwise specified by rule or in this permit.
- A.11. Pursuant to ARM 17.8.324(3), ExxonMobil shall not 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 or is a pressure tank as described in ARM 17.8.324(1), unless otherwise specified by rule or in this permit.
- A.12. Pursuant to ARM 17.8.324, unless otherwise specified by rule or in this permit, ExxonMobil shall not place, store or hold in any stationary tank, reservoir or other container of more than 65,000 gallon capacity any crude oil, gasoline or petroleum distillate having a vapor pressure of 2.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with a vapor loss control device, properly installed, in good working order and in operation.
- A.13. Pursuant to ARM 17.8.324, unless otherwise specified by rule or in this permit, ExxonMobil shall not use any compartment of any single or multiple-compartment oil-effluent water separator, which compartment receives effluent water containing 200 gallons a day or more of any petroleum product from any equipment processing, refining, treating, storing or handling kerosene or other petroleum product of equal or greater volatility than kerosene, unless such compartment is equipped with a vapor loss control device, constructed so as to prevent emission of hydrocarbon vapors to the atmosphere, properly installed, in good working order and in operation.



- A.14. Pursuant to ARM 17.8.302 and ARM 17.8.342, and 40 CFR 63.6, the owner or operator must maintain at the affected source a current startup, shutdown, and malfunction plan (if a plan is required by 40 CFR 63.6(e)(3) and the Table for General Provision Applicability of the appropriate subpart), meeting the requirements of 40 CFR 63.6, and must make the plan available upon request. In addition, if the startup, shutdown, and malfunction plan is subsequently revised, the owner or operator must maintain at the affected source each previous (i.e., superseded) version of the startup, shutdown, and malfunction plan, and must make each such previous version available for a period of 5 years after revision of the plan. The owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in 40 CFR 63.10(d)(5).
- A.15. Pursuant to ARM 17.8.1211(1)(c) and 40 CFR Part 98, ExxonMobil shall comply with requirements of 40 CFR Part 98 – Mandatory Greenhouse Gas Reporting, as applicable (ARM 17.8.1211(1)(c), NOT an applicable requirement under Title V).
- A.16. ExxonMobil shall promptly report deviations from permit requirements including those attributable to upset conditions, as upset is defined in the permit. To be considered prompt, deviations shall be reported to DEQ using the schedule and content as described in Section V.E (unless otherwise specified in an applicable requirement) (ARM 17.8.1212).
- A.17. On or before February 15 and August 15 of each year, ExxonMobil shall submit to DEQ the compliance monitoring reports required by Section V.D. These reports must contain all information required by Section V.D, as well as the information required by each individual emissions unit. For the reports due by February 15 of each year, ExxonMobil may submit a single report, provided that it contains all the information required by Section V.B & V.D. Per ARM 17.8.1207,

*any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12 (including semiannual monitoring reports), shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12, shall state that, “based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.”*

- A.18. By February 15 of each year, ExxonMobil shall submit to DEQ the compliance certification required by Section V.B. The annual certification required by Section V.B must include a statement of compliance based on the information available which identifies any observed, documented or otherwise known instance of noncompliance for each applicable requirement. Per ARM 17.8.1207,

*any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12 (including annual certifications), shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12, shall state that, “based on information and belief formed after reasonable inquiry, the*

*statements and information in the document are true, accurate and complete.”*

**B. EU001: Gasoline (Including Ethanol) Operations/Vapor Processing System**

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Method	Demonstration Frequency	Reporting Requirements
B.1, B.19, B.29, B.35, B.36, B.37	Opacity	20%	Method 9	As Required by DEQ and Section III.A.1	Semiannual
B.2, B.20, B.30, B.36, B.37	VOC	10.0 mg/L	CMS	Ongoing	
B.3, B.21, B.31, B.36, B.37	Gasoline (Including ethanol) Throughput	230,000,000 gallons/year of gasoline	Log	Monthly	
B.4, B.21, B.31, B.36, B.37	Distillate Throughput	130,000,000 gallons/year distillate products	Log	Monthly	
B.5, B.23, B.32, B.36, B.37	Vapor Collection System	Operation and maintenance of vapor processing system	Operation and maintenance of vapor processing system	Ongoing	
B.6, B.23, B.32, B.36, B.37	Gasoline (including ethanol) Vapors	Operation and maintenance of vapor processing system	Operation and maintenance of vapor processing system	Ongoing	
B.7, B.24, B.36, B.37	Vapor Collection System Pressure	4,500 Pa	40 CFR 60 Subpart XX as required by 40 CFR 63 Subpart R	40 CFR 60 Subpart XX as required by 40 CFR 63 Subpart R	
B.8, B.24, B.36, B.37	Pressure-Vacuum Vent	4,500 Pa	40 CFR 60 Subpart XX as required by 40 CFR 63 Subpart R	40 CFR 60 Subpart XX as required by 40 CFR 63 Subpart R	
B.9, B.27, B.32, B.36, B.37	Vapor Collection System	Operation and maintenance of vapor processing system	Operation and maintenance of vapor processing system	Ongoing	
B.10, B.25, B.36, B.37	Gasoline (including ethanol) Cargo Tanks	Loading Procedure	Log	Ongoing	

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration		Reporting Requirements
			Method	Frequency	
B.11, B.27, B.33, B.36, B.37	Gasoline (including ethanol) Cargo Tanks	Compatibility	40 CFR 63 Subpart R	Ongoing	Semiannual
B.12, B.27, B.33, B.36, B.37	Gasoline (including ethanol) Cargo Tanks	Continuous Connection	40 CFR 63 Subpart R	Ongoing	
B.13, B.26, B.36, B.37	Gasoline (including ethanol) Cargo Tanks	Submerged fill and dedicated normal service	Certification	Ongoing	
B.14, B.27, B.33, B.36, B.37	Gasoline (including ethanol) Service Equipment	Monthly Leak Inspection	40 CFR 63 Subpart R	40 CFR 63 Subpart R	
B.15, B.27, B.33, B.36, B.37	Gasoline (including ethanol) Service Equipment	Leak Correction	40 CFR 60 Subpart R	40 CFR 63 Subpart R	
B.16, B.27, B.33, B.36, B.37	Gasoline (including ethanol) handling	Minimized emissions	40 CFR 63 Subpart R	40 CFR 63 Subpart R	
B.17, B.27, B.33, B.36, B.37	40 CFR 63 Subpart R	40 CFR 63 Subpart R	40 CFR 63 Subpart R	40 CFR 63 Subpart R	
B.18, B.28, B.34, B.36, B.37	40 CFR 60 Subpart XX	40 CFR 60 Subpart XX	40 CFR 60 Subpart XX	40 CFR 60 Subpart XX	

### Conditions

- B.1. ExxonMobil shall not cause or authorize emissions to be discharged into the outdoor atmosphere from the emitting unit that exhibit opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).
- B.2. The total Volatile Organic Compound (VOC) emissions to the atmosphere from the vapor processing system due to loading liquid product into cargo tanks shall not exceed 10.0 milligrams per liter (mg/L) of gasoline and/or ethanol loaded (ARM 17.8.749, ARM 17.8.342, and 40 CFR 63 Subpart R).

- B.3. ExxonMobil shall be limited to a maximum of 230,000,000 gallons of gasoline and/or ethanol throughput for the loadout operation during any rolling twelve (12) month period (ARM 17.8.749).
- B.4. ExxonMobil shall be limited to a maximum of 130,000,000 gallons of distillate products including jet, avgas and additives, throughput for the loadout operation during any rolling twelve (12) month period (ARM 17.8.749).
- B.5. The product loading rack shall be equipped with a vapor collection system designed to collect the organic compound vapors displaced from tank trucks during gasoline and/or ethanol product loading (ARM 17.8.749, ARM 17.8.342 and 40 CFR 63 Subpart R).
- B.6. ExxonMobil's collected gasoline and/or ethanol vapors shall be routed to a vapor processing system at all times (ARM 17.8.749, ARM 17.8.342, and 40 CFR 63 Subpart R).
- B.7. The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the gasoline and/or ethanol tank truck from exceeding 4,500 Pascals (Pa) during product loading. This level shall not be exceeded when measured by the procedures specified in the test methods and procedures in 40 CFR 60.503(d) (ARM 17.8.342 and 40 CFR 63, Subpart R).
- B.8. No pressure-vacuum vent in the permitted terminal's vapor collection system shall be open at a system pressure less than 4,500 Pa (ARM 17.8.342 and 40 CFR 63 Subpart R).
- B.9. The vapor collection system shall be designed to prevent any VOC vapors collected at one loading position from passing to another loading position (ARM 17.8.342 and 40 CFR 63 Subpart R).
- B.10. Loadings of liquid products into gasoline (including ethanol) cargo tanks shall be limited to vapor-tight gasoline (including ethanol) cargo tanks using the following procedures (ARM 17.8.342 and 40 CFR 63 Subpart R):
  - a. ExxonMobil shall obtain annual vapor tightness documentation described in test methods and procedures in 40 CFR 63.425(e) for each gasoline (including ethanol) cargo tank that is to be loaded at the product loading rack;
  - b. ExxonMobil shall require the cargo tank identification number to be recorded as each gasoline (including ethanol) cargo tank is loaded at the terminal;
  - c. ExxonMobil shall cross-check each tank identification number obtained during product loading with the file of tank vapor tightness documentation within 2 weeks after the corresponding cargo tank is loaded;
  - d. ExxonMobil shall notify the owner or operator of each non-vapor-tight cargo tank loaded at the product loading rack within 3 weeks after the loading has occurred; and
  - e. ExxonMobil shall take the necessary steps to ensure that any non-vapor-tight cargo tank will not be reloaded at the product loading rack until vapor tightness documentation for that cargo tank is obtained which documents that:

- i. The gasoline (including ethanol) cargo tank meets the applicable test requirements in 40 CFR 63.425(e) to this permit;
  - ii. For each gasoline (including ethanol) cargo tank failing the test requirements in 40 CFR 63.425(f) or (g), the gasoline cargo tank must either:
    - a. Before the repair work is performed on the cargo tank, meet the test requirements in 40 CFR 63.425(g) or (h),
    - b. After repair work is performed on the cargo tank before or during the tests in 40 CFR 63.425(g) or (h), subsequently passes, the annual certification test described in 40 CFR 63.425(e).
- B.11. ExxonMobil shall ensure that loadings of gasoline (including ethanol) cargo tanks at the product loading rack are made only into cargo tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system (ARM 17.8.342 and 40 CFR 63 Subpart R).
- B.12. ExxonMobil shall ensure that the terminal's and the cargo tank's vapor recovery systems are connected during each loading of a gasoline (including ethanol) cargo tank at the product loading rack (ARM 17.8.342 and 40 CFR 63 Subpart R).
- B.13. Loading of cargo tanks shall be restricted to the use of submerged fill and dedicated normal service (ARM 17.8.749).
- B.14. ExxonMobil shall implement and maintain a leak inspection, recording, and repair program to minimize fugitive VOC emissions from piping components (ARM 17.8.752).
  - a. ExxonMobil shall perform a monthly leak inspection of all equipment in gasoline (including ethanol) service. The inspection must include, but is not limited to, all valves, flanges, pump seals, and open-ended lines. For purposes of this inspection, detection methods incorporating sight, sound, or smell are acceptable. Each piece of equipment shall be inspected during the loading of a gasoline (including ethanol) cargo tank (ARM 17.8.342).
  - b. The monthly inspection required by III.B.14.a. shall be accomplished during the loading of a gasoline (including ethanol) cargo tank (ARM 17.8.342).
  - c. Each detection of a liquid or vapor leak shall be recorded in the log book. When a leak is detected, an initial attempt at repairs shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak, except as provided in Section III.B.15 below (ARM 17.8.342).
- B.15. Delay of repair of leaking equipment will be allowed upon a demonstration to DEQ that repair within 15 days is not feasible. The owner or operator shall provide the reason(s) a delay is needed and the date by which each repair is expected to be completed (ARM 17.8.342).

- B.16. ExxonMobil shall not allow gasoline and/or ethanol to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following (ARM 17.8.342):
- a. Minimize gasoline/ethanol spills;
  - b. Clean up spills as expeditiously as practicable;
  - c. Cover all open gasoline/ethanol containers with a gasketed seal when not in use; and
  - d. Minimize gasoline/ethanol sent to open waste collection systems that collect and transport gasoline/ethanol to reclamation and recycling devices, such as oil/water separators.
- B.17. ExxonMobil shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 63 Subpart R (ARM 17.8.342 and 40 CFR 63 Subpart R).
- B.18. ExxonMobil shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60 Subpart XX (ARM 17.8.340 and 40 CFR 63 Subpart XX).

### **Compliance Demonstration**

- B.19. As required by DEQ and Section III.A.1, ExxonMobil shall perform a Method 9 test in accordance with the Montana Source Test Protocol and Procedures Manual to monitor compliance with the 20% opacity limit (ARM 17.8.106 and ARM 17.8.1213).
- B.20. ExxonMobil shall install, calibrate, certify, operate, and maintain, according to the manufacturer's specifications, a continuous monitoring system (CMS) as specified in 40 CFR 63.427 to monitor compliance with Section III.B.2 (ARM 17.8.342 and 40 CFR 63, Subpart R, ARM 17.8.1213). The CMS is to be in operation at all times when the emission units are operating except for quality assurance and control checks, breakdowns, and repairs (ARM 17.8.749). All gaseous CMS shall be required to comply with the quality assurance / quality control procedures in 40 CFR 60, Appendix F (ARM 17.8.749). Compliance with the product loading rack vapor processing system VOC emissions limitation shall be demonstrated by utilizing data taken from the CMS (ARM 17.8.1213).
- B.21. ExxonMobil shall document, by month, the gallons of gasoline (including ethanol) throughput for the loadout operation by the facility. By the 25<sup>th</sup> day of each month, ExxonMobil shall total the gallons of gasoline (including ethanol) throughput for the previous month and record the total. ExxonMobil shall also calculate and record, by month, the rolling 12-month throughput. The monthly information will be used to monitor compliance with the rolling 12-month limitation in Section III.B.3 (ARM 17.8.749, ARM 17.8.1213).
- B.22. ExxonMobil shall record, by month, the gallons of distillate products (including jet, avgas, and additives) throughput by the facility. By the 25<sup>th</sup> day of each month, ExxonMobil shall total the gallons of distillate products for the previous month and record the total. ExxonMobil shall also calculate and record, by month, the rolling 12-month throughput.

The monthly information will be used to monitor compliance with the rolling 12-month limitation in Section III.B.4 (ARM 17.8.749, ARM 17.8.1213).

- B.23. ExxonMobil shall operate and maintain a vapor collection system to monitor compliance with the requirements in Section III.B.5, Section III.B.6, Section III.B.9, Section III.B.11, and Section III.B.12 (ARM 17.8.1213).
- B.24. Compliance with the vapor recovery, liquid loading equipment, and pressure-vacuum vent gauge pressure limits in Section III.B.7 and III.B.8 shall be monitored in accordance with the procedures outlined in 40 CFR 60.503(d), or according to another testing/monitoring schedule approved by DEQ (ARM 17.8.749 and ARM 17.8.1213).
- B.25. To monitor compliance with the requirements of Section III.B.10, ExxonMobil shall record in a log and maintain on-site, the following information (ARM 17.8.1213):
  - a. Annual vapor tightness documentation described in test methods and procedures in 40 CFR 63.425(e) for each gasoline cargo tank loaded at the product loading rack;
  - b. The cargo tank identification number as each gasoline cargo tank is loaded at the terminal;
  - c. A cross-check for each tank identification number obtained during product loading with the file of tank vapor tightness documentation within 2 weeks after the corresponding cargo tank is loaded;
  - d. Notification to the owner or operator of each non-vapor-tight cargo tank loaded at the product loading rack within 3 weeks after the loading has occurred; and
  - e. If necessary, documentation that any non-vapor-tight cargo tank was not reloaded at the product loading rack until vapor tightness documentation for that cargo tank was obtained which met the requirements of Section III.B.10.e.
- B.26. ExxonMobil shall verify that the submerged fill and dedicated normal service is used on an ongoing basis when loading cargo tanks. ExxonMobil shall maintain records as required by Section III.B.35 (ARM 17.8.1213).
- B.27. Compliance monitoring for the applicable requirements contained in 40 CFR 63 Subpart R shall be accomplished as described in 40 CFR 63, Subpart R (ARM 17.8.1213). ExxonMobil shall meet the requirements of all applicable testing and procedures of ARM 17.8.342, which adopts 40 CFR 63, MACT, Subpart R, NESHAPs for gasoline distribution facilities. This shall apply to, but not be limited to, the bulk gasoline and distillate truck loading rack, the vapor processing system, and all gasoline equipment (ARM 17.8.342 and 40 CFR 63 Subpart R, ARM 17.8.1213).
- B.28. Compliance monitoring for the applicable requirements contained in 40 CFR 60 Subpart XX shall be accomplished as described in 40 CFR 60 Subpart XX (ARM 17.8.340 and 40 CFR 63 Subpart XX, ARM 17.8.1213).

## **Recordkeeping**

- B.29. All compliance source test recordkeeping shall be performed in accordance with the test method used and the Montana Source Test Protocol and Procedures Manual, and shall be maintained on site (ARM 17.8.106 and ARM 17.8.1212).
- B.30. ExxonMobil shall maintain records from the vapor processing system's CMS, as well as documentation that the system was installed and operated continuously during gasoline (including ethanol) loading operations. ExxonMobil shall also maintain records of any time the monitoring equipment was inoperable during gasoline (including ethanol) loading operations (ARM 17.8.1212).
- B.31. ExxonMobil shall maintain the records of throughput as required by Section III.B.21 and III.B.22 (ARM 17.8.1212).
- B.32. ExxonMobil shall record in a log the date, time, and duration for incidents where the vapor collection system is not operable or is not operated and maintained as required by Section III.B.23 (ARM 17.8.1212).
- B.33. ExxonMobil shall perform recordkeeping in accordance with 40 CFR 63 Subpart R, as applicable (ARM 17.8.342 and 40 CFR 63 Subpart R, ARM 17.8.1212).
- B.34. ExxonMobil shall perform recordkeeping in accordance with 40 CFR 60 Subpart XX, as applicable (ARM 17.8.340 and 40 CFR 60 Subpart XX, ARM 17.8.1212).

## **Reporting**

- B.35. Any compliance source test reports must be submitted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106 and ARM 17.8.1212).
- B.36. The annual compliance certification required by Section V.B must contain a certification statement for the above applicable requirements (ARM 17.8.1212).
- B.37. The semiannual monitoring report shall clearly identify all deviations from permit requirements and shall provide (ARM 17.8.1212):
  - a. A summary of results of the last source testing that was performed;
  - b. A summary of data demonstrating compliance status with 40 CFR 63 Subpart R including reference to submittal dates of reports made or included; and
  - c. A summary of data demonstrating compliance status with 40 CFR 60 Subpart XX including reference to submittal dates of reports made or included.



### C. EU002: Loading Rack Fugitive Emissions

Condition(s)	Pollutant/ Parameter	Permit Limit	Compliance Demonstration		Reporting Requirements
			Method	Frequency	
C.1, C.7, C.12, C.17, C.18	Opacity	20%	Method 9	As required by DEQ and Section III.A.1	Semiannual
C.2, C.8, C.13, C.17, C.18	VOC	Inspection and Repair	Inspection and Repair	Each calendar month	
C.3, C.9, C.14, C.17, C.18	Vapor Releases	Operating Procedures	40 CFR 63 Subpart R	40 CFR 63 Subpart R	
C.4, C.9, C.14, C.17, C.18	40 CFR 63 Subpart R	40 CFR 63 Subpart R	40 CFR 63 Subpart R	40 CFR 63 Subpart R	
C.5, C.10, C.15, C.17, C.18	40 CFR 63 Subpart EEEE	40 CFR 63 Subpart EEEE	40 CFR 63 Subpart EEEE	40 CFR 63 Subpart EEEE	
C.6, C.11, C.16, C.17, C.18	40 CFR 60 Subpart XX	40 CFR 60 Subpart XX	40 CFR 60 Subpart XX	40 CFR 60 Subpart XX	

#### Conditions

- C.1. ExxonMobil shall not cause or authorize emissions to be discharged into the outdoor atmosphere from the emitting unit that exhibit opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).
- C.2. ExxonMobil shall minimize VOC emissions by inspecting all valves, flanges, pump seals, and open-ended lines for total organic compound leaks each calendar month (ARM 17.8.749).
- C.3. ExxonMobil shall not allow gasoline (including ethanol) to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following (ARM 17.8.342 and 40 CFR 63 Subpart R):
- a. Minimize gasoline spills;
  - b. Clean up spills as expeditiously as practicable;
  - c. Cover all open gasoline containers with a gasketed seal when not in use; and
  - d. Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

- C.4. ExxonMobil shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 63 Subpart R (ARM 17.8.342 and 40 CFR 63 Subpart R).
- C.5. ExxonMobil shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 63 Subpart EEEE (ARM 17.8.342 and 40 CFR 63 Subpart EEEE).
- C.6. ExxonMobil shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60 Subpart XX (ARM 17.8.340 and 40 CFR 60 Subpart XX).

### **Compliance Demonstration**

- C.7. As required by DEQ and Section III.A.1, ExxonMobil shall perform a Method 9 test in accordance with the Montana Source Test Protocol and Procedures Manual to monitor compliance with the 20% opacity limit (ARM 17.8.106 and ARM 17.8.1213).
- C.8. ExxonMobil shall perform a monthly leak detection inspection of all equipment in gasoline (including ethanol) service. The inspection must include, but is not limited to, all valves, flanges, pump seals, and open-ended lines. For purposes of this inspection, detection methods incorporating sight, sound, or smell are acceptable. Each piece of equipment shall be inspected during the loading of a gasoline (including ethanol) cargo tank. For any leak discovered ExxonMobil shall (ARM 17.8.1213):
  - a. Make an initial attempt at repair as soon as practicable, but no later than 5 calendar days after the leak is detected;
  - b. Repair any leak as soon as practicable, but no later than 15 calendar days after it is detected, except as required by Section III.C.9.(c) below; and
  - c. Delay of repair of leaking equipment will be allowed upon a demonstration to the Administrator that repair within 15 days is not feasible. The owner or operator shall provide the reason(s) a delay is needed and the date by which each repair is expected to be completed.
- C.9. Compliance monitoring for the applicable requirements contained in 40 CFR 63, Subpart R, including the requirements of Section III.C.3, shall be accomplished as described in 40 CFR 63 Subpart R (ARM 17.8.342 and 40 CFR 63 Subpart R).
- C.10. Compliance monitoring for the applicable requirements contained in 40 CFR 63, Subpart EEEE shall be accomplished as described in 40 CFR 63 Subpart EEEE (ARM 17.8.342 and 40 CFR 63 Subpart EEEE).
- C.11. Compliance monitoring for the applicable requirements contained in 40 CFR 60, Subpart XX shall be accomplished as described in 40 CFR 60 Subpart XX (ARM 17.8.340 and 40 CFR 60 Subpart XX).

## Recordkeeping

- C.12. All compliance source test recordkeeping shall be performed in accordance with the test method used and the Montana Source Test Protocol and Procedures Manual, and shall be maintained on site (ARM 17.8.106 and ARM 17.8.1212).
- C.13. ExxonMobil shall document the total new VOC fugitive emissions as monitored within the leak inspection, recording, and repair program. The information shall be maintained on site (ARM 17.8.749). The following information shall be recorded in a log and maintained on-site during each monthly leak inspection (ARM 17.8.1213):
- a. Date of inspection;
  - b. Findings (may indicate no leaks discovered or location, nature, and severity of each leak);
  - c. Leak determination method;
  - d. Corrective action (date each leak repaired and reasons for any repair interval in excess of 15 calendar days); and
  - e. Inspector's name and signature.
- C.14. ExxonMobil shall perform recordkeeping in accordance with 40 CFR 63 Subpart R, as applicable (ARM 17.8.342 and 40 CFR 63 Subpart R).
- C.15. ExxonMobil shall perform recordkeeping in accordance with 40 CFR 63 Subpart EEEE, as applicable (ARM 17.8.342 and 40 CFR 63 Subpart EEEE).
- C.16. ExxonMobil shall perform recordkeeping in accordance with 40 CFR 60 Subpart XX, as applicable (ARM 17.8.340 and 40 CFR 60 Subpart XX).

## Reporting

- C.17. The annual compliance certification required by Section V.B must contain a certification statement for the above applicable requirements (ARM 17.8.1212).
- C.18. The semiannual monitoring report shall clearly identify all deviations from permit requirements and shall provide (ARM 17.8.1212):
- a. A summary of results and date of the last source testing that was performed;
  - b. A brief summary of leak inspections including a summary of any leaks for which corrective action was not taken within 15 calendar days;
  - c. A brief summary of data demonstrating compliance status with the applicable requirements of 40 CFR 63 Subpart R including reference to submittal dates or reports made or included;

- d. A summary of data demonstrating compliance status with the applicable requirements of 40 CFR 63 Subpart EEEE including reference to submittal dates or reports made or included;
- e. A summary of data demonstrating compliance status with the applicable requirements of 40 CFR 60 Subpart XX including reference to submittal dates or reports made or included.

## SECTION IV. NON-APPLICABLE REQUIREMENTS

Air Quality Administrative Rules of Montana (ARM) and Federal Regulations identified as not applicable to the facility or to a specific emissions unit at the time of the permit issuance are listed below (ARM 17.8.1214). The following list does not preclude the need to comply with any new requirements that may become applicable during the permit term.

### A. Facility-Wide

The following table contains non-applicable requirements which are administrated by the Air Quality Bureau of DEQ of Environmental Quality.

Rule Citation		Reason
State	Federal	
ARM 17.8.610		These requirements are not applicable because the facility is not in this source category.
ARM 17.8.324(1)		These requirements are not applicable because the permit does not contain any tanks greater than 65,000 gallons
ARM 17.8.326		The facility is not in this source category
ARM 17.8.330 through 335		The facility is not in this source category
ARM 17.8.506		The facility is not in this source category
ARM 17.8.1601, et seq		The facility is not in this source category
ARM 17.8.1701, et seq		The facility is not in this source category
	40 CFR 60 Subparts B, C, Cb, Cc, Cd, and Ce	This facility is not an affected facility as defined by these subparts
	40 CFR 60 Subparts D, Da, Db, and Dc	This facility is not an affected facility as defined by these subparts
	40 CFR 60 Subpart E, Ea, Eb, and Ec	This facility is not an affected facility as defined by these subparts
	40 CFR 60 Subpart F	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart G	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart H	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart I	This facility is not an affected facility as defined by this subpart
	40 CFR 60, Subpart K 40 CFR 60, Subpart Ka	These requirements are not applicable because the tanks addressed in this permit do not exceed the applicability threshold (capacity greater than 40,000 gallons).
	40 CFR 60, Subpart Kb	These requirements are not applicable because the tanks addressed in this permit do not exceed the applicability threshold (capacity greater than 19,813 gallons)
	40 CFR 60 Subpart L	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart M	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart N	This facility is not an affected facility as defined by this subpart

Rule Citation		Reason
State	Federal	
	40 CFR 60 Subpart O	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart P	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart Q	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart R	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart S	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart T, U, V, W, X	This facility is not an affected facility as defined by these subparts
	40 CFR 60 Subpart Y	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart Z	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart AA and AAa	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart BB	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart CC	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart DD	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart EE	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart GG	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart KK	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart LL	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart MM	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart NN	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart PP	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart QQ	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart RR	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart SS	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart TT	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart VV	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart WW	This facility is not an affected facility as defined by this subpart

Rule Citation		Reason
State	Federal	
	40 CFR 60 Subpart AAA	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart BBB	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart DDD	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart FFF	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart HHH	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart III	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart JJJ	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart KKK	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart LLL	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart NNN	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart OOO	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart PPP	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart QQQ	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart RRR	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart SSS	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart TTT	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart UUU	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart VVV	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart WWW	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart AAAA	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart BBBB	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart CCCC	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart DDDD	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart EEEE	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart FFFF	This facility is not an affected facility as defined by this subpart

Rule Citation		Reason
State	Federal	
	40 CFR 60 Subpart HHHH	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart KKKK	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart LLLL	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Subpart MMMM	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Appendix G	This facility is not an affected facility as defined by this subpart
	40 CFR 60 Appendix I	This facility is not an affected facility as defined by this subpart
	40 CFR 61 Subpart B	This facility is not an affected facility as defined by this subpart
	40 CFR 61 Subpart C	This facility is not an affected facility as defined by this subpart
	40 CFR 61 Subpart D	This facility is not an affected facility as defined by this subpart
	40 CFR 61 Subpart E	This facility is not an affected facility as defined by this subpart
	40 CFR 61 Subpart F	This facility is not an affected facility as defined by this subpart
	40 CFR 61 Subpart H, I	This facility is not an affected facility as defined by this subpart
	40 CFR 61 Subpart K	This facility is not an affected facility as defined by this subpart
	40 CFR 61 Subpart L	This facility is not an affected facility as defined by this subpart
	40 CFR 61 Subpart N, O, P	This facility is not an affected facility as defined by this subpart
	40 CFR 61 Subpart Q, R, T	This facility is not an affected facility as defined by this subpart
	40 CFR 61 Subpart W	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart F	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart G	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart I	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart J	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart M	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart N	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart O	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart S	This facility is not an affected facility as defined by this subpart



Rule Citation		Reason
State	Federal	
	40 CFR 63 Subpart T	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart U	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart W	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart X	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart Y	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart AA	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart BB	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart CC	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart DD	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart EE	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart GG	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart HH	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart II	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart JJ	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart KK	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart LL	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart MM	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart OO	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart PP	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart QQ	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart SS	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart XX	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart CCC	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart DDD	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart EEE	This facility is not an affected facility as defined by this subpart

Rule Citation		Reason
State	Federal	
	40 CFR 63 Subpart GGG	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart HHH	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart III	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart JJJ	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart LLL	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart MMM	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart NNN	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart OOO	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart PPP	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart RRR	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart TTT	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart VVV	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart XXX	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart AAAA	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart CCCC	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart DDDD	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart GGGG	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart HHHH	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart IIII	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart JJJJ	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart KKKK	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart MMMM	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart OOOO	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart PPPP	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart QQQQ	This facility is not an affected facility as defined by this subpart

Rule Citation		Reason
State	Federal	
	40 CFR 63 Subpart RRRR	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart SSSS	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart TTTT	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart UUUU	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart VVVV	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart WWWW	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart XXXX	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart YYYY	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart AAAAA	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart BBBBB	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart CCCCC	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart EEEEE	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart FFFFF	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart HHHHH	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart IIIII	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart JJJJJ	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart KKKKK	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart LLLLL	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart MMMMM	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart NNNNN	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart PPPPP	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart QQQQQ	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart RRRRR	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart SSSSS	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart TTTTT	This facility is not an affected facility as defined by this subpart

Rule Citation		Reason
State	Federal	
	40 CFR 63 Subpart UUUUU	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart WWWWW	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart YYYYY	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart ZZZZZ	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart DDDDD	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart EEEEE	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart FFFFF	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart GGGGG	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart HHHHH	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart LLLLL	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart MMMMM	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart NNNNN	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart OOOOO	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart PPPPP	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart QQQQQ	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart RRRRR	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart SSSSS	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart TTTTT	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart VVVVV	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart WWWWW	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart XXXXX	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart YYYYY	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart ZZZZZ	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart AAAAA	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart BBBBB	This facility is not an affected facility as defined by this subpart

Rule Citation		Reason
State	Federal	
	40 CFR 63 Subpart CCCCCCC	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart DDDDDD	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart EEEEEEE	This facility is not an affected facility as defined by this subpart
	40 CFR 63 Subpart HHHHHHH	This facility is not an affected facility as defined by this subpart
	40 CFR 68	This facility is not an affected facility as defined by this subpart.
	40 CFR 87	These rules contain no requirements applicable to this facility
	40 CFR 95	These rules contain no requirements applicable to this facility

**B. Emission Units**

The permit application identified applicable requirements: non-applicable requirements for individual or specific emission units were not listed. The Department has listed all non-applicable requirements in Section IV.A, these requirements relate to each specific unit, as well as facility wide.

## SECTION V. GENERAL PERMIT CONDITIONS

### A. Compliance Requirements

ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(a)-(c)&(e), §1206(6)(c)&(b)

1. The permittee must comply with all conditions of the permit. Any noncompliance with the terms or conditions of the permit constitutes a violation of the Montana Clean Air Act, and may result in enforcement action, permit modification, revocation and reissuance, or termination, or denial of a permit renewal application under ARM Title 17, Chapter 8, Subchapter 12.
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
3. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. If appropriate, this factor may be considered as a mitigating factor in assessing a penalty for noncompliance with an applicable requirement if the source demonstrates that both the health, safety or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations, and that such health, safety or environmental impacts were unforeseeable and could not have otherwise been avoided.
4. The permittee shall furnish to DEQ, within a reasonable time set by DEQ (not to be less than 15 days), any information that DEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to DEQ copies of those records that are required to be kept pursuant to the terms of the permit. This subsection does not impair or otherwise limit the right of the permittee to assert the confidentiality of the information requested by DEQ, as provided in 75-2-105, MCA.
5. Any schedule of compliance for applicable requirements with which the source is not in compliance with at the time of permit issuance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it was based.
6. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis unless a more detailed plan or schedule is required by the applicable requirement or DEQ.

### B. Certification Requirements

ARM 17.8, Subchapter 12, Operating Permit Program §1207 and §1213(7)(a)&(c)-(d)

1. Any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12, shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

2. Compliance certifications shall be submitted by February 15 of each year, or more frequently if otherwise specified in an applicable requirement or elsewhere in the permit. Each certification must include the required information for the previous calendar year (i.e., January 1 – December 31).
3. Compliance certifications shall include the following:
  - a. The identification of each term or condition of the permit that is the basis of the certification;
  - b. The identification of the method(s) or other means used by the owner or operator for determining the status of compliance with each term and condition during the certification period, consistent with ARM 17.8.1212;
  - c. The status of compliance with each term and condition for the period covered by the certification, *including whether compliance during the period was continuous or intermittent* (based on the method or means identified in ARM 17.8.1213(7)(c)(ii), as described above); and
  - d. Such other facts as DEQ may require to determine the compliance status of the source.
4. All compliance certifications must be submitted to the Environmental Protection Agency, as well as to DEQ, at the addresses listed in the Notification Addresses Appendix C of this permit.

### **C. Permit Shield**

#### ARM 17.8, Subchapter 12, Operating Permit Program §1214(1)-(4)

1. The applicable requirements and non-federally enforceable requirements are included and specifically identified in this permit and the permit includes a precise summary of the requirements not applicable to the source. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements and any non-federally enforceable requirements as of the date of permit issuance.
2. The permit shield described in 1 above shall remain in effect during the appeal of any permit action (renewal, revision, reopening, or revocation and reissuance) to the Board of Environmental Review (Board), until such time as the Board renders its final decision.
3. Nothing in this permit alters or affects the following:
  - a. The provisions of Sec. 7603 of the FCAA, including the authority of the administrator under that section;
  - b. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
  - c. The applicable requirements of the Acid Rain Program, consistent with Sec. 7651g(a) of the FCAA;

- d. The ability of the administrator to obtain information from a source pursuant to Sec. 7414 of the FCAA;
  - e. The ability of DEQ to obtain information from a source pursuant to the Montana Clean Air Act, Title 75, Chapter 2, MCA;
  - f. The emergency powers of DEQ under the Montana Clean Air Act, Title 75, Chapter 2, MCA; and
  - g. The ability of DEQ to establish or revise requirements for the use of reasonably available control technology (RACT) as defined in ARM Title 17, Chapter 8. However, if the inclusion of a RACT into the permit pursuant to ARM Title 17, Chapter 8, Subchapter 12, is appealed to the Board, the permit shield, as it applies to the source's existing permit, shall remain in effect until such time as the Board has rendered its final decision.
4. Nothing in this permit alters or affects the ability of DEQ to take enforcement action for a violation of an applicable requirement or permit term demonstrated pursuant to ARM 17.8.106, Source Testing Protocol.
  5. Pursuant to ARM 17.8.132, for the purpose of submitting a compliance certification, nothing in these rules shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance. However, when compliance or noncompliance is demonstrated by a test or procedure provided by permit or other applicable requirements, the source shall then be presumed to be in compliance or noncompliance unless that presumption is overcome by other relevant credible evidence.
  6. The permit shield will not extend to minor permit modifications or changes not requiring a permit revision (see Sections I & J).
  7. The permit shield will extend to significant permit modifications and transfer or assignment of ownership (see Sections K & O).

**D. Monitoring, Recordkeeping, and Reporting Requirements**

ARM 17.8, Subchapter 12, Operating Permit Program §1212(2)&(3)

1. Unless otherwise provided in this permit, the permittee shall maintain compliance monitoring records that include the following information:
  - a. The date, place as defined in the permit, and time of sampling or measurement;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of such analyses; and
  - f. The operating conditions at the time of sampling or measurement.



2. The permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. All monitoring data, support information, and required reports and summaries may be maintained in computerized form at the plant site if the information is made available to Department personnel upon request, which may be for either hard copies or computerized format. Strip-charts must be maintained in their original form at the plant site and shall be made available to Department personnel upon request.
3. The permittee shall submit to DEQ, at the addresses located in the Notification Addresses Appendix C of this permit, reports of any required monitoring by February 15 and August 15 of each year, or more frequently if otherwise specified in an applicable requirement or elsewhere in the permit. The monitoring report submitted on February 15 of each year must include the required monitoring information for the period of July 1 through December 31 of the previous year. The monitoring report submitted on August 15 of each year must include the required monitoring information for the period of January 1 through June 30 of the current year. All instances of deviations from the permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official, consistent with ARM 17.8.1207.

#### **E. Prompt Deviation Reporting**

##### ARM 17.8, Subchapter 12, Operating Permit Program §1212(3)(b)

The permittee shall promptly report deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. To be considered prompt, deviations shall be reported to DEQ within the following timeframes (unless otherwise specified in an applicable requirement):

1. For deviations which may result in emissions potentially in violation of permit limitations:
  - a. An initial phone notification (or faxed or electronic notification) describing the incident within 24 hours (or the next business day) of discovery; and,
  - b. A follow-up written, faxed, or electronic report within 30 days of discovery of the deviation that describes the probable cause of the reported deviation and any corrective actions or preventative measures taken.
2. For deviations attributable to malfunctions, deviations shall be reported to DEQ in accordance with the malfunction reporting requirements under ARM 17.8.110; and
3. For all other deviations, deviations shall be reported to DEQ via a written, faxed, or electronic report within 90 days of discovery (as determined through routine internal review by the permittee).

Prompt deviation reports do not need to be resubmitted with regular semiannual (or other routine) reports, but may be referenced by the date of submittal.

## **F. Emergency Provisions**

ARM 17.8, Subchapter 12, Operating Permit Program §1201(13) and §1214(5), (6)&(8)

1. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation and causes the source to exceed a technology-based emission limitation under this permit due to the unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of reasonable preventive maintenance, careless or improper operation, or operator error.
2. An emergency constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the permittee demonstrates through properly signed, contemporaneous logs, or other relevant evidence, that:
  - a. An emergency occurred and the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit; and
  - d. The permittee submitted notice of the emergency to DEQ within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirements of ARM 17.8.1212(3)(b). This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
3. These emergency provisions are in addition to any emergency, malfunction or upset provision contained in any applicable requirement.

## **G. Inspection and Entry**

ARM 17.8, Subchapter 12, Operating Permit Program §1213(3)&(4)

1. Upon presentation of credentials and other requirements as may be required by law, the permittee shall allow DEQ, the administrator, or an authorized representative (including an authorized contractor acting as a representative of DEQ or the administrator) to perform the following:
  - a. Enter the premises where a source required to obtain a permit is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
  - c. Inspect at reasonable times any facilities, emission units, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

- d. As authorized by the Montana Clean Air Act and rules promulgated thereunder, sample or monitor, at reasonable times, any substances or parameters at any location for the purpose of assuring compliance with the permit or applicable requirements.
2. The permittee shall inform the inspector of all workplace safety rules or requirements at the time of inspection. This section shall not limit in any manner DEQ's statutory right of entry and inspection as provided for in 75-2-403, MCA.

#### **H. Fee Payment**

ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(f) and ARM 17.8, Subchapter 5, Air Quality Permit Application, Operation, and Open Burning Fees §505(3)-(5) (STATE ONLY)

1. The permittee must pay application and operating fees, pursuant to ARM Title 17, Chapter 8, Subchapter 5.
2. Annually, DEQ shall provide the permittee with written notice of the amount of the fee and the basis for the fee assessment. The air quality operation fee is due 30 days after receipt of the notice, unless the fee assessment is appealed pursuant to ARM 17.8.511. If any portion of the fee is not appealed, that portion of the fee that is not appealed is due 30 days after receipt of the notice. Any remaining fee, which may be due after the completion of an appeal, is due immediately upon issuance of the Board's decision or upon completion of any judicial review of the Board's decision.
3. If the permittee fails to pay the required fee (or any required portion of an appealed fee) within 90 days of the due date of the fee, DEQ may impose an additional assessment of 15% of the fee (or any required portion of an appealed fee) or \$100, whichever is greater, plus interest on the fee (or any required portion of an appealed fee), computed at the interest rate established under 15-31-510(3), MCA.

#### **I. Minor Permit Modifications**

ARM 17.8, Subchapter 12, Operating Permit Program §1226(3)&(11)

1. An application for a minor permit modification need only address in detail those portions of the permit application that require revision, updating, supplementation, or deletion, and may reference any required information that has been previously submitted.
2. The permit shield under ARM 17.8.1214 will not extend to any minor modifications processed pursuant to ARM 17.8.1226.

#### **J. Changes Not Requiring Permit Revision**

ARM 17.8, Subchapter 12, Operating Permit Program §1224(1)-(3), (5)&(6)

1. The permittee is authorized to make changes within the facility as described below, provided the following conditions are met:
  - a. The proposed changes do not require the permittee to obtain a Montana Air Quality Permit under ARM Title 17, Chapter 8, Subchapter 7;

- b. The proposed changes are not modifications under Title I of the FCAA, or as defined in ARM Title 17, Chapter 8, Subchapters 8, 9, or 10;
  - c. The emissions resulting from the proposed changes do not exceed the emissions allowable under this permit, whether expressed as a rate of emissions or in total emissions;
  - d. The proposed changes do not alter permit terms that are necessary to enforce applicable emission limitations on emission units covered by the permit; and
  - e. The facility provides the administrator and DEQ with written notification at least 7 days prior to making the proposed changes.
2. The permittee and DEQ shall attach each notice provided pursuant to 1.e above to their respective copies of this permit.
  3. Pursuant to the conditions above, the permittee is authorized to make Section 502(b)(10) changes, as defined in ARM 17.8.1201(30), without a permit revision. For each such change, the written notification required under 1.e above shall include a description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
  4. The permittee may make a change not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided the following conditions are met:
    - a. Each proposed change does not weaken the enforceability of any existing permit conditions;
    - b. The Department has not objected to such change;
    - c. Each proposed change meets all applicable requirements and does not violate any existing permit term or condition; and
    - d. The permittee provides contemporaneous written notice to DEQ and the administrator of each change that is above the level for insignificant emission units as defined in ARM 17.8.1201(22) and 17.8.1206(3), and the written notice describes each such change, including the date of the change, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
  5. The permit shield authorized by ARM 17.8.1214 shall not apply to changes made pursuant to ARM 17.8.1224(3) and (5), but is applicable to terms and conditions that allow for increases and decreases in emissions pursuant to ARM 17.8.1224(4).

## **K. Significant Permit Modifications**

ARM 17.8, Subchapter 12, Operating Permit Program §1227(1), (3) & (4)

1. The modification procedures set forth in 2 below must be used for any application requesting a significant modification of this permit. Significant modifications include the following:
  - a. Any permit modification that does not qualify as either a minor modification or as an administrative permit amendment;
  - b. Every significant change in existing permit monitoring terms or conditions;
  - c. Every relaxation of permit reporting or recordkeeping terms or conditions that limit DEQ's ability to determine compliance with any applicable rule, consistent with the requirements of the rule; or
  - d. Any other change determined by DEQ to be significant.
2. Significant modifications shall meet all requirements of ARM Title 17, Chapter 8, including those for applications, public participation, and review by affected states and the administrator, as they apply to permit issuance and renewal, except that an application for a significant permit modification need only address in detail those portions of the permit application that require revision, updating, supplementation or deletion.
3. The permit shield provided for in ARM 17.8.1214 shall extend to significant modifications.

## **L. Reopening for Cause**

ARM 17.8, Subchapter 12, Operating Permit Program §1228(1) & (2)

This permit may be reopened and revised under the following circumstances:

1. Additional applicable requirements under the FCAA become applicable to the facility when the permit has a remaining term of 3 or more years. Reopening and revision of the permit shall be completed not later than 18 months after promulgation of the applicable requirement. No reopening is required under ARM 17.8.1228(1)(a) if the effective date of the applicable requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms or conditions have been extended pursuant to ARM 17.8.1220(12) or 17.8.1221(2);
2. Additional requirements (including excess emission requirements) become applicable to an affected source under the Acid Rain Program. Upon approval by the administrator, excess emission offset plans shall be deemed incorporated into the permit;
3. The Department or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emission standards or other terms or conditions of the permit; or
4. The administrator or DEQ determines that the permit must be revised or revoked and reissued to ensure compliance with the applicable requirements.

### **M. Permit Expiration and Renewal**

ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(g), §1220(11) & (12), and §1205(2)(d)

1. This permit is issued for a fixed term of 5 years.
2. Renewal of this permit is subject to the same procedural requirements that apply to permit issuance, including those for application, content, public participation, and affected state and administrator review.
3. Expiration of this permit terminates the permittee's right to operate unless a timely and administratively complete renewal application has been submitted consistent with ARM 17.8.1221 and 17.8.1205(2)(d). If a timely and administratively complete application has been submitted, all terms and conditions of the permit, including the application shield, remain in effect after the permit expires until the permit renewal has been issued or denied.
4. For renewal, the permittee shall submit a complete air quality operating permit application to DEQ not later than 6 months prior to the expiration of this permit, unless otherwise specified. If necessary to ensure that the terms of the existing permit will not lapse before renewal, DEQ may specify, in writing to the permittee, a longer time period for submission of the renewal application. Such written notification must be provided at least 1 year before the renewal application due date established in the existing permit.

### **N. Severability Clause**

ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(i)&(l)

1. The administrative appeal or subsequent judicial review of the issuance by DEQ of an initial permit under this subchapter shall not impair in any manner the underlying applicability of all applicable requirements, and such requirements continue to apply as if a final permit decision had not been reached by DEQ.
2. If any provision of a permit is found to be invalid, all valid parts that are severable from the invalid part remain in effect. If a provision of a permit is invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid applications.

### **O. Transfer or Assignment of Ownership**

ARM 17.8, Subchapter 12, Operating Permit Program §1225(2) & (4)

1. If an administrative permit amendment involves a change in ownership or operational control, the applicant must include in its request to DEQ a written agreement containing a specific date for the transfer of permit responsibility, coverage and liability between the current and new permittee.
2. The permit shield provided for in ARM 17.8.1214 shall not extend to administrative permit amendments.

### **P. Emissions Trading, Marketable Permits, Economic Incentives**

ARM 17.8, Subchapter 12, Operating Permit Program §1226(2)

Notwithstanding ARM 17.8.1226(1) and (7), minor air quality operating permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in the Montana State Implementation Plan or in applicable requirements promulgated by the administrator.

**Q. No Property Rights Conveyed**

ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(d)

This permit does not convey any property rights of any sort, or any exclusive privilege.

**R. Testing Requirements**

ARM 17.8, Subchapter 1, General Provisions §105

The permittee shall comply with ARM 17.8.105.

**S. Source Testing Protocol**

ARM 17.8, Subchapter 1, General Provisions §106

The permittee shall comply with ARM 17.8.106.

**T. Malfunctions**

ARM 17.8, Subchapter 1, General Provisions §110

The permittee shall comply with ARM 17.8.110.

**U. Circumvention**

ARM 17.8, Subchapter 1, General Provisions §111

The permittee shall comply with ARM 17.8.111.

**V. Motor Vehicles**

ARM 17.8, Subchapter 3, Emission Standards §325

The permittee shall comply with ARM 17.8.325.

**W. Annual Emissions Inventory**

ARM 17.8, Subchapter 5, Air Quality Permit Application, Operation and Open Burning Fees §505 (STATE ONLY)

The permittee shall supply DEQ with annual production and other information for all emission units necessary to calculate actual or estimated actual amount of air pollutants emitted during each calendar year. Information shall be gathered on a calendar-year basis and submitted to DEQ by the date required in the emission inventory request, unless otherwise specified in this permit. Information shall be in the units required by DEQ.

**X. Open Burning**

ARM 17.8, Subchapter 6, Open Burning §604, 605 and 606

The permittee shall comply with ARM 17.8.604, 605 and 606.

**Y. Montana Air Quality Permits**

ARM 17.8, Subchapter 7, Permit, Construction and Operation of Air Contaminant Sources §745 and 764

1. Except as specified, no person shall construct, install, modify or use any air contaminant source or stack associated with any source without first obtaining a permit from DEQ or Board. A permit is not required for those sources or stacks as specified by ARM 17.8.744(1)(a)-(k).
2. The permittee shall comply with ARM 17.8.743, 744, 745, 748, and 764.
3. ARM 17.8.745(1) specifies de minimis changes as construction or changed conditions of operation at a facility holding a Montana Air Quality Permit (MAQP) issued under Chapter 8 that does not increase the facility's potential to emit by more than 5 tons per year of any pollutant, except:
  - a. Any construction or changed condition that would violate any condition in the facility's existing MAQP or any applicable rule contained in Chapter 8 is prohibited, except as provided in ARM 17.8.745(2);
  - b. Any construction or changed conditions of operation that would qualify as a major modification under Subchapters 8, 9 or 10 of Chapter 8;
  - c. Any construction or changed condition of operation that would affect the plume rise or dispersion characteristic of emissions that would cause or contribute to a violation of an ambient air quality standard or ambient air increment as defined in ARM 17.8.804;
  - d. Any construction or improvement project with a potential to emit more than 5 tons per year may not be artificially split into smaller projects to avoid Montana Air Quality Permitting; or
  - e. Emission reductions obtained through offsetting within a facility are not included when determining the potential emission increase from construction or changed conditions of operation, unless such reductions are made federally enforceable.
4. Any facility making a de minimis change pursuant to ARM 17.8.745(1) shall notify DEQ if the change would include a change in control equipment, stack height, stack diameter, stack gas temperature, source location or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit. The notice must be submitted, in writing, 10 days prior to start up 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(1).

**Z. National Emission Standard for Asbestos**

40 CFR, Part 61, Subpart M



The permittee shall not conduct any asbestos abatement activities except in accordance with 40 CFR 61, Subpart M (National Emission Standard for Hazardous Air Pollutants for Asbestos).

**AA. Asbestos**

ARM 17.74, Subchapter 3, General Provisions and Subchapter 4, Fees

The permittee shall comply with ARM 17.74.301, *et seq.*, and ARM 17.74.401, *et seq.* (State only).

**BB. Stratospheric Ozone Protection – Servicing of Motor Vehicle Air Conditioners**

40 CFR, Part 82, Subpart B

If the permittee performs a service on motor vehicles and this service involves ozone-depleting substance/refrigerant in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR 82, Subpart B.

**CC. Stratospheric Ozone Protection – Recycling and Emission Reductions**

40 CFR, Part 82, Subpart F

The permittee shall comply with the standards for recycling and emission reductions in 40 CFR 82, Subpart F, except as provided for MVACs in Subpart B:

1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156;
2. Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158;
3. Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technical certification program pursuant to §82.161;
4. Persons disposing of small appliances, MVACs and MVAC-like (as defined at §82.152) appliances must comply with recordkeeping requirements pursuant to §82.166;
5. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156; and
6. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.

## **DD. Emergency Episode Plan**

The permittee shall comply with the requirements contained in Chapter 9.7 of the State of Montana Air Quality Control Implementation Plan.

Each major source emitting 100 tons per year located in a Priority I Air Quality Control Region, shall submit to DEQ a legally enforceable Emergency Episode Action Plan (EEAP) that details how the source will curtail emissions during an air pollutant emergency episode. The industrial EEAP shall be in accordance with DEQ's EEAP and shall be submitted according to a timetable developed by DEQ, following Priority I reclassification.

## **EE. Definitions**

Terms not otherwise defined in this permit or in the Definitions and Abbreviations Appendix B of this permit, shall have the meaning assigned to them in the referenced regulations.

## APPENDICES

## Appendix A      INSIGNIFICANT EMISSION UNITS

**Disclaimer:** The information in this appendix is not State or Federally enforceable, but is presented to assist ExxonMobil, the permitting authority, inspectors, and the public.

Pursuant to ARM 17.8.1201(22)(a), an insignificant emission unit means any activity or emissions unit located within a source that: (i) has a potential to emit less than five tons per year of any regulated pollutant; (ii) has a potential to emit less than 500 pounds per year of lead; (iii) has a potential to emit less than 500 pounds per year of hazardous air pollutants listed pursuant to section 7412 (b) of the FCAA; and (iv) is not regulated by an applicable requirement, other than a generally applicable requirement that applies to all emission units subject to Subchapter 12.

### List of Insignificant Activities:

The following table of insignificant sources and/or activities were provided by ExxonMobil. Because there are no requirements to update such a list, the emission units and/or activities may change from those specified in the table.

Emissions Unit ID	Description
IEU01	Tank 201: Generic gasoline additive tank Tank 202 – Branded gasoline additive tank Tank 204 – Loading rack drain underground storage tank (UST) Tank 206 – Diesel additive tank – red dye Tank 207 – Oil/water separator UST Tank 210 – Wastewater UST Tank 211 – Diesel lubricity additive tank Tank 212 – Diesel conductivity additive tote
IEU02	Miscellaneous Fugitive Emissions
IEU03	Natural Gas Fired Shop Heater - Maximum heat input of 45,000 BTU/hr
IEU04	Natural Gas Fired Comfort Heater - Maximum heat input of 110,000 BTU/hr
IEU05	Natural Gas Fired Comfort Heater - Maximum heat input of 150,000 BTU/hr

## Appendix B DEFINITIONS and ABBREVIATIONS

**"Act"** means the Clean Air Act, as amended, 42 U.S. 7401, *et seq.*

**"Administrative permit amendment"** means an air quality operating permit revision that:

- (a) corrects typographical errors;
- (b) identifies a change in the name, address or phone number of any person identified in the air quality operating permit, or identifies a similar minor administrative change at the source;
- (c) requires more frequent monitoring or reporting by ExxonMobil;
- (d) requires changes in monitoring or reporting requirements that DEQ deems to be no less stringent than current monitoring or reporting requirements;
- (e) allows for a change in ownership or operational control of a source if DEQ has determined that no other change in the air quality operating permit is necessary, consistent with ARM 17.8.1225; or
- (f) incorporates any other type of change which DEQ has determined to be similar to those revisions set forth in (a)-(e), above.

**"Applicable requirement"** means all of the following as they apply to emission units in a source requiring an air quality operating permit (including requirements that have been promulgated or approved by DEQ or the administrator through rule making at the time of issuance of the air quality operating permit, but have future-effective compliance dates, provided that such requirements apply to sources covered under the operating permit):

- (a) any standard, rule, or other requirement, including any requirement contained in a consent decree or judicial or administrative order entered into or issued by DEQ, that is contained in the Montana state implementation plan approved or promulgated by the administrator through rule making under Title I of the FCAA;
- (b) any federally enforceable term, condition or other requirement of any Montana Air Quality Permit issued by DEQ under Subchapters 7, 8, 9 and 10 of this chapter, or pursuant to regulations approved or promulgated through rule making under Title I of the FCAA, including parts C and D;
- (c) any standard or other requirement under Section 7411 of the FCAA, including Section 7411(d);
- (d) any standard or other requirement under Section 7412 of the FCAA, including any requirement concerning accident prevention under Section 7412(r)(7), but excluding the contents of any risk management plan required under Section 7412(r);
- (e) any standard or other requirement of the acid rain program under Title IV of the FCAA or regulations promulgated thereunder;

- (f) any requirements established pursuant to Section 7661c(b) or Section 7414(a)(3) of the FCAA;
- (g) any standard or other requirement governing solid waste incineration, under Section 7429 of the FCAA;
- (h) any standard or other requirement for consumer and commercial products, under Section 7511b(e) of the FCAA;
- (i) any standard or other requirement for tank vessels, under Section 7511b(f) of the FCAA;
- (j) any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the administrator determines that such requirements need not be contained in an air quality operating permit;
- (k) any national ambient air quality standard or increment or visibility requirement under part C of Title I of the FCAA, but only as it would apply to temporary sources permitted pursuant to Section 7661c(e) of the FCAA; or
- (l) any federally enforceable term or condition of any air quality open burning permit issued by DEQ under Subchapter 6.

**"Department"** means the Montana Department of Environmental Quality.

**"Emissions unit"** means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Section 7412(b) of the FCAA. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the FCAA.

**"FCAA"** means the Federal Clean Air Act, as amended.

**"Federally enforceable"** means all limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the Montana state implementation plan, and any permit requirement established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51, Subpart I, including operating permits issued under an EPA approved program that is incorporated into the Montana state implementation plan and expressly requires adherence to any permit issued under such program.

**"Fugitive emissions"** means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

**"General air quality operating permit" or "general permit"** means an air quality operating permit that meets the requirements of ARM 17.8.1222, covers multiple sources in a source category, and is issued in lieu of individual permits being issued to each source.

**"Hazardous air pollutant"** means any air pollutant listed as a hazardous air pollutant pursuant to Section 112(b) of the FCAA.

**"Non-federally enforceable requirement"** means the following as they apply to emissions units in a source requiring an air quality operating permit:

- (a) any standard, rule, or other requirement, including any requirement contained in a consent decree, or judicial or administrative order entered into or issued by DEQ, that is not contained in the Montana state implementation plan approved or promulgated by the administrator through rule making under Title I of the FCAA;
- (b) any term, condition or other requirement contained in any Montana Air Quality Permit issued by DEQ under Subchapters 7, 8, 9 and 10 of this chapter that is not federally enforceable;
- (c) does not include any Montana ambient air quality standard contained in Subchapter 2 of this chapter.

**"Permittee"** means the owner or operator of any source subject to the permitting requirements of this subchapter, as provided in ARM 17.8.1204, that holds a valid air quality operating permit or has submitted a timely and complete permit application for issuance, renewal, amendment, or modification pursuant to this subchapter.

**"Regulated air pollutant"** means the following:

- (a) nitrogen oxides or any volatile organic compounds;
- (b) any pollutant for which a national ambient air quality standard has been promulgated;
- (c) any pollutant that is subject to any standard promulgated under Section 7411 of the FCAA;
- (d) any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA; or
- (e) any pollutant subject to a standard or other requirement established or promulgated under Section 7412 of the FCAA, including but not limited to the following:
  - (i) any pollutant subject to requirements under Section 7412(j) of the FCAA. If the administrator fails to promulgate a standard by the date established in Section 7412(e) of the FCAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established in Section 7412(e) of the FCAA;
  - (ii) any pollutant for which the requirements of Section 7412(g)(2) of the FCAA have been met but only with respect to the individual source subject to Section 7412(g)(2) requirement.

**"Responsible official"** means one of the following:

- (a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized

representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

- (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - (ii) the delegation of authority to such representative is approved in advance by DEQ.
- (b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
- (c) For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of the environmental protection agency).
- (d) For affected sources: the designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated thereunder are concerned, and the designated representative for any other purposes under this subchapter.



## Abbreviations:

ARM	Administrative Rules of Montana
ASTM	American Society of Testing Materials
BACT	Best Available Control Technology
BDT	bone dry tons
BTU	British Thermal Unit
CFR	Code of Federal Regulations
CO	carbon monoxide
DEQ	Department of Environmental Quality
dscf	dry standard cubic foot
dscfm	dry standard cubic foot per minute
EEAP	Emergency Episode Action Plan
EPA	U.S. Environmental Protection Agency
EPA Method	Test methods contained in 40 CFR 60, Appendix A
EU	emissions unit
FCAA	Federal Clean Air Act
gr	grains
HAP	hazardous air pollutant
IEU	insignificant emissions unit
Mbdft	thousand board feet
Method 5	40 CFR 60, Appendix A, Method 5
Method 9	40 CFR 60, Appendix A, Method 9
MMbdft	million board feet
MMBTU	million British Thermal Units
NO <sub>x</sub>	oxides of nitrogen
NO <sub>2</sub>	nitrogen dioxide
NSR	New Source Review
O <sub>2</sub>	oxygen
Pb	lead
PM	particulate matter
PM <sub>10</sub>	particulate matter less than 10 microns in size
psi	pounds per square inch
scf	standard cubic feet
SIC	Source Industrial Classification
SO <sub>2</sub>	sulfur dioxide
SO <sub>x</sub>	oxides of sulfur
TPY	tons per year
U.S.C.	United States Code
VE	visible emissions
VOC	volatile organic compound

## Appendix C NOTIFICATION ADDRESSES

### Compliance Notifications:

Montana Department of Environmental Quality  
Air, Energy & Mining Division  
Air Quality Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

United States EPA  
Air Program Coordinator  
Region VIII, Montana Office  
10 W. 15<sup>th</sup> Street, Suite 3200  
Helena, MT 59626

### Permit Modifications:

Montana Department of Environmental Quality  
Air, Energy & Mining Division  
Air Quality Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

Office of Partnerships and Regulatory Assistance  
Air and Radiation Program  
US EPA Region VIII 8P-AR  
1595 Wynkoop Street  
Denver, CO 80202-1129

## Appendix D      AIR QUALITY INSPECTOR INFORMATION

**Disclaimer:** The information in this appendix is not State or Federally enforceable, but is presented to assist ExxonMobil, permitting authority, inspectors, and the public.

### 1. **Direction to Plant:**

The ExxonMobil Billings Terminal is located approximately two miles east of Billings in Yellowstone County, north of Interstate 90 and adjacent to and south of ExxonMobil's refinery at 607 ExxonMobil Road.

### 2. **Safety Equipment Required:**

Safety glasses, hard hat, hearing protection, gloves, and safety shoes/boots are required at the facility.

### 3. **Facility Plot Plan:**

The facility plot plan was submitted as part of the original application for Operating Permit #OP2967-00 on June 29, 2007.