

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OPERATING PERMIT TECHNICAL REVIEW DOCUMENT**

**Air, Energy & Mining Division
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Par Montana, LLC. - Billings Terminal
Section 25, Township 1 North, Range 26 East, Yellowstone County, Montana
607 Par Montana Road
Billings, MT 59101

The following table summarizes the air quality programs testing, monitoring, and reporting requirements applicable to this facility.

Facility Compliance Requirements	Yes	No	Comments
Source Tests Required	X		
Ambient Monitoring Required		X	
COMS Required		X	
CEMS Required	X		
Schedule of Compliance Required		X	
Annual Compliance Certification and Semiannual Reporting Required	X		
Monthly Reporting Required		X	
Quarterly Reporting Required		X	
Applicable Air Quality Programs			
ARM Subchapter 7 – Montana Air Quality Permit (MAQP)	X		#2967
New Source Performance Standards (NSPS)	X		40 CFR 60, Subpart XX
National Emission Standards for Hazardous Air Pollutants (NESHAPS)		X	Except for 40 CFR 61, Subpart M
Maximum Achievable Control Technology (MACT)	X		40 CFR 63, Subparts R and EEEE
Major New Source Review (NSR) – includes Prevention of Significant Deterioration (PSD) and/or Non-Attainment Area (NAA) NSR	X		In conjunction with refinery
Risk Management Plan Required (RMP)		X	
Acid Rain Title IV		X	
Compliance Assurance Monitoring (CAM)		X	
State Implementation Plan (SIP)	X		

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SECTION I. GENERAL INFORMATION

A. Purpose

This document establishes the basis for the decisions made regarding the applicable requirements, monitoring plan, and compliance status of emission units affected by the operating permit proposed for this facility. The document is intended for reference during review of the proposed permit by the U.S. Environmental Protection Agency (EPA) and the public. It is also intended to provide background information not included in the operating permit and to document issues that may become important during modifications or renewals of the permit.

Conclusions in this document are based on information provided in the original Title V application submitted by the former owner/operator of the facility, ExxonMobil Billings Terminal (ExxonMobil), on June 29, 2007; an application for permit modification received by the Department of Environmental Quality (DEQ) on February 16 and February 24, 2011; a request for an administrative amendment for a change in the facility responsible official received by DEQ on May 11, 2011; a Title V Renewal application received by DEQ October 29, 2012; a request for an administrative amendment received by DEQ on December 13, 2013, to update the responsible official; a request for an administrative amendment received on January 12, 2015, to update the company name and title of the responsible official; a request for an administrative amendment received April 20, 2015, to update the responsible official; a request for an administrative amendment received by DEQ on May 16, 2017, to update the responsible official; a request for an administrative amendment received by DEQ on September 25, 2017, to update the permit to ensure flexibility provided by the underlying MACT control requirements of 40 CFR 63 Subpart R; a de minimis change submitted to DEQ on October 20, 2017; an administrative amendment request received by DEQ February 15, 2018, to update the contact and responsible official information contained in the permit; a renewal application received by DEQ September 4, 2018; a request for an administrative amendment received by DEQ July 27, 2022, to update the contact and responsible official information contained in the permit; an Intent to Transfer Ownership request received by DEQ on March 13, 2023, transferring ownership from ExxonMobil Fuels & Lubricants Company to Par Montana, LLC.; and a Title V Renewal application received by DEQ on October 9, 2024.

B. Facility Location

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

C. Facility Background Information

Montana Air Quality Permit

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

On February 16, 2011, and February 24, 2011, DEQ received elements to fulfill a complete permit modification application from ExxonMobil. The application proposed modifications of piping and related components at the truck loading rack for the purpose of blending ethanol with gasoline for truck loadout and for loading denatured ethanol to tanker trucks.

The proposed project would add pipe fittings, flanges, pumps, and other piping components. Changes to the permit include the addition of ethanol handling capabilities within existing permit conditions. The permit action modified MAQP #2967-00 to include the addition of ethanol handling capabilities within existing permit conditions as well as updated the rule references, permit format, and the emissions inventory. **MAQP #2967-01** was issued final on May 24, 2011.

On September 27, 2017, DEQ received from ExxonMobil a request to administratively amend the MAQP and the Title V Operating Permit. The purpose of the amendment request was to ensure the permit provides flexibility allowed by the underlying Maximum Achievable Control Technology rules. The change did not revise the associated performance standards but removed any specifics as to how that performance standard was to be achieved. This permitting action did not contemplate any change in emissions. Further, any changes to the vapor processing system would be evaluated separately. **MAQP #2967-02** replaced MAQP #2967-01.

On October 22, 2018, DEQ received from ExxonMobil a request to administratively amend the MAQP. The purpose of the amendment request was to ensure the permit equipment list in Section I.B of the permit analysis is up to date. **MAQP #2967-03** replaced MAQP #2967-02.

On April 13, 2023, the Montana Department of Environmental Quality – Air Quality Bureau (DEQ) received an Intent to Transfer Ownership notification from Par Montana, LLC., to transfer ownership of the bulk petroleum distribution facility from ExxonMobil Corporation to Par Montana, LLC. The transfer ownership was dated June 1, 2023. Along with the transfer of ownership, DEQ updated references throughout the permit. **MAQP #2967-04** replaces MAQP #2967-03.

Title V Operating Permit

DEQ determined the facility was not appropriately permitted under the synthetic minor regulations. DEQ determined the Billings Terminal meets the definition of a “support facility” to the separately permitted ExxonMobil Refinery (#OP1564-01). Because the ExxonMobil Billings Refinery and the ExxonMobil Billings Terminal are two separate business units, the facility maintains two separate permits to facilitate internal administration; however, pursuant to ARM 17.8.1201(23) and 17.8.801(7), the federal clean air act, and several interpretive letters and memos, the Terminal and Refinery are determined to be one facility. Therefore, modifications at either the Terminal or the Refinery are looked at in aggregate for NSR permitting. **Title V Operating Permit #OP2967-00** was issued final and effective on May 6, 2008.

On February 16, 2011, and February 24, 2011, DEQ received elements to fulfill a complete permit modification application from ExxonMobil. The application proposed modifications of piping and related components at the truck loading rack for the purpose of blending ethanol with gasoline for truck loadout and for loading denatured ethanol to tanker trucks. The proposed project would add pipe fittings, flanges, pumps, and other piping components.

Changes to the permit include the addition of ethanol handling capabilities within existing permit conditions.

The permit action modified MAQP #2967-00 to include the addition of ethanol handling capabilities within existing permit conditions as well as updated the rule references, permit format, and the emissions inventory.

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

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

On February 10, 2012, DEQ received an Administrative Amendment request to change the responsible official from Geoffrey A. Craft to Karen S. Tyrone, effective immediately. **Operating Permit #OP2967-04** replaced Operating Permit #OP2967-03.

On October 29, 2012, DEQ received a renewal application for renewal of the Title V Operating Permit. **Operating Permit #OP2967-05** replaced Operating Permit #OP2967-04.

On July 22, 2014, DEQ received an Administrative Amendment request to change the responsible official from Karen S. Tyrone to Kevin J. Badgett. **Operating Permit #OP2967-06** replaced Operating Permit #OP2967-05.

On January 12, 2015, DEQ received an Administrative Amendment to update the company name and title of the responsible official. The responsible official Mr. Kevin Badgett, will be employed by Americas Fuels Operations, Midstream, ExxonMobil Refining and Supply Company, a division of ExxonMobil Corporation. **Operating Permit #OP2967-07** replaced Operating Permit #OP2967-06.

On April 20, 2015, DEQ received an Administrative Amendment to update the responsible official. On June 1, 2015, DEQ received the email address for Ms. Tran. Ms. Loan K. Tran replaced Mr. Kevin Badgett as the responsible official. **Operating Permit #OP2967-08** replaced Operating Permit #OP2967-07.

On May 16, 2017, DEQ received an Administrative Amendment to update the responsible official. Mr. Vito A. DiLenna replaces Ms. Loan K. Tran. The permit action incorporated the responsible official change as well as updated the permit to reflect current language used by DEQ. **Operating Permit #OP2967-09** replaced Operating Permit #OP2967-08.

On September 25, 2017, DEQ received an Administrative Amendment request to update the operating permit following revision of the MAQP. The purpose of the amendment request was to ensure the permit provided flexibility allowed by the underlying Maximum Achievable Control Technology rules regarding control technology utilized for compliance with emissions standards of 40 CFR 63 Subpart R. **Operating Permit #OP2967-10** replaced Operating Permit #OP2967-09.

On February 15, 2018, DEQ received an Administrative Amendment request to update the operating permit to reflect changes in Responsible Official and Facility Contact information. Mr. John Gurrola, US Rockies / West Coast Area Manager, replaced Mr. Vito DiIenna as the responsible official for this permit. Mr. Michael P. Bailey, Working Foreman, replaced Ms. Kay Babineaux as the facility contact associated with this permit. Because DEQ implemented electronic contact tracking, the phone number, email, and other such information was intentionally removed from the permits. The appropriate changes to contact information was made to DEQ's electronic tracking system, and the permit was otherwise updated to reflect the changes. **Operating Permit #OP2967-11** replaced Operating Permit #OP2967-10.

On September 4, 2018, DEQ received from ExxonMobil a Title V renewal application. The current permit action renews the Title V permit for another 5-year cycle. **Operating Permit #OP2967-12** replaced Operating Permit #OP2967-11.

On July 27, 2022, DEQ received an administrative amendment from ExxonMobil to change the responsible office and facility contact. DEQ made the requested amendment and updated the OP with current language. **Operating Permit #OP2967-13** replaced Operating Permit #OP2967-12.

On April 13, 2023, DEQ received an Intent to Transfer Ownership from ExxonMobil Corporation to Par Montana, LLC. The transfer of ownership from ExxonMobil Corporation to Par Montana, LLC., was dated June 1, 2023. Along with the transfer of ownership, DEQ updated references throughout the permit. **MAQP #2967-04** replaced MAQP #2967-03 and **Operating Permit #OP2967-14** replaced #OP2967-13.

D. Current Permit Action

On October 19, 2024, DEQ received a Title V Renewal Application from Par. No substantive changes to the operating permit occurred at renewal. **MAQP #2967-04** remains active and **Operating Permit #OP2967-15** replaces #OP2967-14.

E. Taking and Damaging Analysis

As required by 2-10-105, MCA, DEQ conducted the following private property taking and damaging assessment.

YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?

YES	NO	
	X	3. Does the action deny a fundamental attribute of ownership? (ex.: right to exclude others, disposal of property)
	X	4. Does the action deprive the owner of all economically viable uses of the property?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If no, go to (6)].
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property? (consider economic impact, investment-backed expectations, character of government action)
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally?
	X	7a. Is the impact of government action direct, peculiar, and significant?
	X	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged or flooded?
	X	7c. Has government action lowered property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?
	X	Takings or damaging implications? (Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b; the shaded areas)

Based on this analysis, DEQ determined there are no taking or damaging implications associated with this permit action.

F. Compliance Designation

DEQ conducted a full compliance evaluation for the period from July 22, 2020, to May 23, 2024, for the Par Montana, LLC., Billings Terminal.

Based upon the information gathered during the facility inspections, observations made during site visits, and the review of facility reports, notifications, and compliance certifications submitted by Par during the review period as required by #OP2967-14 and applicable air programs, DEQ believes that Par is in compliance with the applicable requirements for the period covered by this Compliance Monitoring Report.

SECTION II. SUMMARY OF EMISSIONS UNITS

A. Facility Process Description

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

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

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

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

B. Emission Units and Pollution Control Device Identification

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

C. Categorically Insignificant Sources/Activities

Emissions Unit ID	Description
IEU01	Tanks 201, 202, 204, 206, 207, 210, 211, 212 and 213
IEU02	Miscellaneous Fugitive Emissions
Natural Gas Fired Shop Heater	Maximum heat input of 45,000 BTU/hr
Natural Gas Fired Comfort Heater	Maximum heat input of 110,000 BTU/hr
Natural Gas Fired Space Heater	Maximum heat input of 150,000 BTU/hr

SECTION III. PERMIT CONDITIONS

A. Emission Limits and Standards

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

B. Monitoring Requirements

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

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

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

C. Test Methods and Procedures

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

D. Recordkeeping Requirements

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

E. Reporting Requirements

Reporting requirements are included in the permit for each emissions unit and Section V of the operating permit "General Conditions" explains the reporting requirements.

However, the permittee is required to submit semi-annual and annual monitoring reports to DEQ and to annually certify compliance with the applicable requirements contained in the permit. The reports must include a list of all emission limit and monitoring deviations, the reason for any deviation, and the corrective action taken as a result of any deviation.

F. Public Notice

In accordance with ARM 17.8.1232, a public notice was published in the *Billings Gazette* newspaper on or before May 21, 2025. The DEQ provided a 30-day public comment period on the draft operating permit from May 21, 2025 to June 20, 2025. ARM 17.8.1232 requires the DEQ to keep a record of both comments and issues raised during the public participation process. The comments and issues received by May 2025 will be summarized, along with the DEQ's responses, in the following table. All comments received during the public comment period will be promptly forwarded to Par so they may have an opportunity to respond to these comments as well.

Summary of Public Comments

Person/Group Commenting	Comment	DEQ Response
No Public Comments Received		

G. Draft Permit Comments

Summary of Permittee Comments – comments received from Trinity Consultants on behalf of Par Montana, LLC.

Permit Reference	Permittee Comment	DEQ Response
Operating Permit – Section III.B, Reference Table	“the reference to “40 CFR Subpart R” is incorrect, and should be corrected to “40 CFR 63 Subpart R.”	DEQ made the requested correction.
Operating Permit – Section III.B.2	“the condition refers to Volatile Organic Compound (VOC) emissions as the pollutant the limit. Title 40 Code of Federal Regulations (40 CFR) Part 63, Subpart R – National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) defines to the pollutant as Total Organic Compound (TOC) emissions. To maintain consistency with the federal regulation, Par recommends identifying the pollutant TOC in this condition to be consistent with the applicable federal regulation.”	DEQ made the requested change.
Operating Permit – Section III.B.10.a	Comment: 40 CFR 63.425(e) describes the methods and procedures for conducting the annual vapor tightness certification test, but it does not describe the documentation or recordkeeping requirements related to those tests. 40 CFR 63.428(b) outlines the recordkeeping requirements for the vapor tightness certification test. Par recommends the following	DEQ made the requested change.

Permit Reference	Permittee Comment	DEQ Response
	edits the wording of this condition with redline strikethrough to represent deletion and red text as new language: “Par shall obtain maintain annual vapor tightness <i>certification</i> documentation <i>in accordance with 40 CFR 63.428(b)</i> described in the 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. <i>Vapor tightness shall be certified as described in the test methods and procedures in 40 CFR 63.425(e).</i>”	
Operating Permit – Section III.B.10.c	Comment: the language of the condition largely mirrors 40 CFR 60.502(e)(3)(i) about the timeline for when the tank identification number cross-check shall occur; however, the applicable regulation offers extensions to this compliance timeline if certain conditions described in 40 CFR 60.502(e)(3)(i)(A) or (B) are met. Par requests that this permit condition be revised to include language addressing the compliance timeline extensions offered by the applicable regulation. The following is a suggested revision of the wording of the condition with red text as new language: “Par 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, <i>or according to the timeline adjustments provided in 40 CFR 60.502(e)(3).</i>”	DEQ made the requested change.
Operating Permit – Section III.B.10.d	the language of the condition is derived from 40 CFR 60.502(e)(4), which requires notification of the owner or operator of a non-vapor-tight cargo tank to occur within 1 week of completing the cross-check documentation described in Condition B.10.c. While a span of up to 3 weeks is the longest feasible span that could occur between when the loading of a non-vapor-tight cargo tank occurred and the timing of this notification, this permit condition language allows for non-compliance with the underlying applicable requirement of 40 CFR 60.502(e)(4) if the cross-check occurred less than 2 weeks from when the non-vapor-tight tank was loaded. If the update described in comment #4 is incorporated, this condition language would not align with extended timeframes between loadings and cross-checks that are provided by the applicable regulation. Par proposes that this condition be reworded to mirror 40 CFR 60.502(e)(4) so that the timing of the notification is tied to when the cross-check occurred rather than total time elapsed from	DEQ made the requested change.

Permit Reference	Permittee Comment	DEQ Response
	when the loading may have occurred. The following is a suggested revision of the wording of the condition with redline strikethrough to represent deletion and red text as new language: “Par shall notify the owner or operator of each non-vapor-tight cargo tank loaded at the product loading rack within 3 1 weeks after the loading has occurred of the documentation cross-check of Condition B.10.c; and”	
Operating Permit – Section III.B.10.e	the language of this condition and its sub-conditions (i), (ii), (ii)(a), and (ii)(b) are from a version of 40 CFR 63, Subpart R. However, these provisions were removed as part of the previous July 9, 2024 revision of this rule and no longer appear in 40 CFR 63, Subpart R. Par proposes that Condition B.10.e and its associated sub-conditions be deleted from the permit because they are no longer applicable requirements after July 8, 2024.	DEQ deleted the requested language.
Operating Permit – Section III.B.14.b	this condition is redundant because the same statement is included as the last sentence in B.14.a. Par proposes replacing this condition with the requirement to use a log book to of condition document the results of each monthly inspection. This requirement to use a log book is addressed in 40 CFR 63.424(b)(1) as well as Montana Air Quality Permit #2967-04 Section II.B.4.k. The Title V operating permit condition B.14.c. describes leak detections to record in the log book but does not describe the requirement to maintain one. The following is a suggested replacement condition for B.14.b: <i>“A log book shall be used and shall be signed by the owner or operator at completion of each inspection. A section of the log shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility (ARM 17.8.342 and 40 CFR 63 Subpart R).”</i>	DEQ made the requested change.
Operating Permit – Section III.C, Summary Table	most entries in the “Condition(s)” column reference conditions from Section III.B. These references should be updated to refer to the new corresponding Section III.C condition numbers.	DEQ updated the cross-references as requested.
Operating Permit – Section III.C, Summary Table	as explained in more detail in Comment #18, the applicable leak inspection requirements after May 8, 2027. The existing monthly inspection requirement from 40 CFR 63.424(b) will change will no longer apply, and beginning no later than May 8, 2027, facilities will be required to comply with the requirements under 40 CFR 63.424(c), which	DEQ made the requested change.

Permit Reference	Permittee Comment	DEQ Response
	reference the leak detection and repair (LDAR) requirements in 40 CFR 60.502a(j). Par proposes changing the “Permit Limit” text to say <i>“Leak Detection and Repair Program.”</i>	
Operating Permit – Section III.C, Summary Table	the reference to “40 CFR 60 Subpart R” is incorrect, and should be corrected to “40 CFR 63 Subpart R.”	DEQ made the requested correction.
Operating Permit – Section III.C.7	the reference to 40 CFR 60.503(d) should be corrected to 40 CFR 60.504a(d).	DEQ made the requested correction.
Operating Permit – Section III.C.8	Comment: the source of this limitation at 40 CFR 60.502a(i) also includes vacuum limitation of less than 6 inches of water. Par recommends updating this condition language to mirror 40 CFR 60.502a(i). The following is a suggested revision of the wording of the condition with red text as new language: “No pressure-vacuum vent in the permitted terminal’s vapor collection system shall be open at a system pressure less than 18 inches of water or <i>at a vacuum of less than 6.0 inches of water</i> (ARM 17.8.342 and 40 CFR 63 Subpart R).”	DEQ made the requested change.
Operating Permit – Section III.C.10.a	same as Comment #3 about Condition B.10.a. 40 CFR 63.425(e) describes the methods and procedures for conducting the annual vapor tightness certification test, but it does not describe the documentation or recordkeeping requirements related to those tests. 40 CFR 63.428(b) outlines the specific recordkeeping requirements. Par recommends the following edits the wording of this condition (redline strikethrough indicates deletion, and red text indicates new language): “Par shall obtain <i>maintain</i> annual vapor tightness <i>certification</i> documentation <i>in accordance with 40 CFR 63.428(b)</i> described in the 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. <i>Vapor tightness shall be certified as described in the test methods and procedures in 40 CFR 63.425(e).</i> ”	DEQ made the requested change.
Operating Permit – Section III.C.10.b	after May 8, 2027, the wording of this underlying requirement from 40 CFR 60.502a(e)(2) requires Par obtain and record the cargo tank identification number of each gasoline cargo tank which is to be loaded at the facility. Par recommends updating this condition language to mirror 60.502a(e)(2). The following is a suggested revision of the wording of the condition with redline strikethrough to represent deletion and red text as new language:	DEQ made the requested change.

Permit Reference	Permittee Comment	DEQ Response
	“Par shall obtain and record require the cargo tank identification number of to be recorded as each gasoline (including ethanol) cargo tank which is to be loaded at the terminal; ”	
Operating Permit – Section III.C.10.c	this language reflects requirements in effect prior to May 8, 2027, which allowed the cross-check to occur after loading. However, under the revised standard effective May 8, 2027, 40 CFR 60.502a(e)(3) requires that the cargo tank’s vapor tightness documentation be verified prior to loading any liquid product into the tank. Par recommends updating this condition language to mirror 40 CFR 60.502a(e)(3). The following is a suggested revision of the wording of the condition with redline strikethrough to represent deletion and red text as new language: “Par shall cross-check each tank identification number obtained during product loading with the file of tank vapor tightness documentation <i>prior to loading any liquid product into the gasoline cargo tank</i> within 2 weeks after the corresponding cargo tank is loaded;”	DEQ made the requested change.
Operating Permit – Section III.C.10.d	this language reflects requirements in effect prior to May 8, 2027, when cross-checks of vapor tightness documentation could occur after loading. However, under the updated requirements of 40 CFR 0.502a(e)(3) effective May 8, 2027, the vapor tightness documentation must be verified prior to loading any liquid product into a cargo tank. Because cross-checks will occur before loading under the revised regulation, there is no longer a scenario in which a non-vapor-tight tank would be inadvertently filled, and consequently, no need for a notification timeframe. Par proposes deleting this condition because it is no longer an applicable requirement after May 8, 2027.	DEQ deleted the requested language.
Operating Permit – Section III.C.10.e	the language of this condition and its sub-conditions (i), (ii), (ii)(a), and (ii)(b) are from a previous version of 40 CFR 63, Subpart R. However, these provisions were removed as part of the July 9, 2024 revision of this rule and no longer appear in 40 CFR 63, Subpart R. Par proposes that Condition B.10.e and its associated sub-conditions be deleted from the permit because they are no longer applicable requirements after July 8, 2024.	DEQ deleted the requested language.
Operating Permit – Section III.C.14	the sub-conditions (a) through (c) of this condition refer to existing requirements from 40 CFR	DEQ deleted the requested language.

Permit Reference	Permittee Comment	DEQ Response
	63.424(b). However, beginning May 8, 2027, the applicable requirement will transition from 40 CFR 63.424(b) to 40 CFR 63.424(c), which references the leak detection and repair requirements in 40 CFR 60.502a(j). 40 CFR 63.424(c)(1) through (3) provide additional caveats and exceptions related to monitoring frequency. Because the requirements currently stated in condition C.14 sub-conditions (a) through (c) will no longer apply after May 8, 2027, Par recommends deleting these sub-conditions. Compliance demonstration with Condition C.14 is already accurately described in Condition C.28 as following the applicable requirements of 40 CFR 63 Subpart R.	
Operating Permit – Section III.C.15	This language is from 40 CFR 63.424(b)(3). After May 8, 2027, the applicable requirement will transition from 40 CFR 63.424(b) to 40 CFR 63.424(c), which refers to compliance with 40 CFR 60.502a(j) leak inspection and repair requirements. 40 CFR 60.502a(j)(8) describes various allowances for the delay of repair of leaking equipment. Par proposes updating the language about delay of repairs to refer to applicable provisions of 40 CFR 60.502a(j)(8). The following is a suggested revision of the wording of the condition with redline strikethrough to represent deletion and red text as new language: “Delay of repair of leaking equipment will be allowed according to the <i>applicable provisions of 40 CFR 60.502a(j)(8)</i> 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 and 40 CFR 63, Subpart R).”	DEQ made the requested change.
Operating Permit – Section III.C.21	the portion of this condition addressing the ongoing performance testing should be based on 12 calendar months after the previous performance evaluation, in accordance with 40 CFR 63.425(c)(4). This requirement is not contained in the Montana Air Quality Permit; therefore, Par proposes that the reference to ARM 17.8.749 be deleted. The following is a suggested revision of the wording of the condition with redline strikethrough to represent deletion and red text as new language: “No later than 180 days after May 8, 2027, Par shall perform an initial CEMS performance test (unless previous performance test can demonstrate compliance with the new limits in accordance with	DEQ made the requested change.

Permit Reference	Permittee Comment	DEQ Response
	the stipulations spelled out in the revised rule) in accordance with 40 CFR 63.425(c)(2). After initial compliance with the revised TOC limit in 40 CFR 63.422(b)(2), Par shall conduct performance testing not later than 12 calendar months after the <i>previous performance test</i> initial performance test . (ARM 178.749 and 40 CFR 63, Subpart R).”	
Operating Permit – Section III.C.25	After May 8, 2027, the underlying requirements for these procedures will transition from 40 CFR 60.503(d) to 40 CFR 60.504a(d). Par recommends that the reference be updated from 40 CFR 60.503(d) to 40 CFR 60.504a(d). The reference to vapor recovery, liquid loading equipment, and pressure-vacuum vent gauge pressure limits should also be corrected to refer to the corresponding Section III.C conditions.	DEQ made the requested correction.
Operating Permit – Section III.C.26.a	40 CFR 63.425(e) describes how the vapor tightness certification test is to be performed and what requirements must be met to achieve certification, but it does not describe the documentation to be collected during this process. 40 CFR 63.428(b) describes the recordkeeping requirements for the vapor tightness certification test. Par recommends updating the rule reference from 40 CFR 63.425(e) to 40 CFR 63.428(b).	DEQ made the requested change.
Operating Permit – Section III.C.26.b	after May 8, 2027, the wording of this underlying requirement from 40 CFR 60.502a(e)(2) requires Par obtain and record the cargo tank identification number of each gasoline cargo tank which is to be loaded at the facility. Par recommends the following edits the wording of this condition with redline strikethrough to represent deletion and red text as new language: “The cargo tank identification number <i>of as</i> each gasoline cargo tank <i>which is to be</i> loaded at the terminal;”	DEQ made the requested change.
Operating Permit – Section III.C.26.c	After May 8, 2027, 40 CFR 60.502a(e)(3) requires that the cross-check occur prior to loading any liquid product into the cargo tanks. Par recommends updating this condition language to mirror 40 CFR 60.502a(e)(3). The following is a suggested revision of the wording of the condition with redline strikethrough to represent deletion and red text as new language: “A cross-check for each tank identification number obtained during product loading with the file of tank vapor tightness documentation <i>prior to loading</i>”	DEQ made the requested change.

Permit Reference	Permittee Comment	DEQ Response
	<i>any liquid product into within 2 weeks after the corresponding cargo tank is loaded;</i>	
Operating Permit – Section III.C.26.d	this language reflects requirements in effect prior to May 8, 2027. After May 8, 2027, 40 2a(e)(3) requires that the cross-check occur prior to loading any liquid product into the CFR 60.50 cargo tanks. Compliance with this regulation means that checks no longer occur after tank loading and there are no longer conditions describing timeframes for notifying owners or operators of the filling of a non-vapor-tight tank. Par proposes deleting this condition because it is no longer an applicable requirement after May 8, 2027.	DEQ deleted the requested language.
Operating Permit – Section III.C.26.e	Par has proposed deletion of the condition that this compliance demonstration refers to because it is no longer an applicable requirement after July 8, 2024. See comment #17 for additional context. Par proposes deleting this condition based on the deletion of the permit condition it was previously intended to demonstrate compliance with.	DEQ deleted the requested language.
Operating Permit – Sections III.C.22, 23, 24, 25, 26, 27, 32, and 33	the references within these conditions should be corrected to refer to corresponding Section III.C conditions.	DEQ updated the cross-references as requested.
Operating Permit – Sections III.D.8	this condition has been updated to reference 40 CFR 63, Subpart R as a source of the underlying requirement. The language contained in this condition and sub-conditions (a) through (c) are parts of 40 CFR 63, Subpart R that are applicable until May 8, 2027. After May 8, 2027, the applicable requirement will transition from 40 CFR 63.424(b) to 40 CFR 63.424(c), which refers to compliance with 40 CFR 60.502a(j) leak inspection and repair requirements. Par recommends adding language to this condition clarifying that conditions D.8, D.8.a, D.8.b, and D.8.c will no longer be applicable after May 8, 2027, and after that date compliance will be according to 40 CFR 63.424(c). Suggested add-on: <i>“Note: Conditions D.8 and sub-conditions (a) through (c) reflect the requirements of 40 CFR 63.424(b) and are applicable only until May 8, 2027. Beginning May 8, 2027, these conditions shall no longer apply, and Par shall instead comply with 40 CFR 63.424(c), which incorporates the leak detection and repair requirements of 40 CFR 60.502a(j).”</i>	DEQ made the requested change.
Technical Review Document – Title Page	Par requests that the street address be corrected to “607 Par Montana Road.”	DEQ made the requested change.

Permit Reference	Permittee Comment	DEQ Response
Technical Review Document – Section V	the reference to “NSPS XX (Bulk Gasoline Terminals)” should be updated to refer to “NSPS XXa - Standards of Performance for Bulk Gasoline Terminals that Commenced Construction, Modification, or Reconstruction After June 10, 2022.”	DEQ made the requested change.

Summary of EPA Comments

Permit Reference	EPA Comment	DEQ Response
No EPA Comments Received		

SECTION IV. NON-APPLICABLE REQUIREMENT ANALYSIS

Pursuant to ARM 17.8.1221, Par Montana, LLC., requested a permit shield for all non-applicable regulatory requirements and regulatory orders identified in the tables in Section 8 of the permit application. In addition, the ExxonMobil permit application identified a permit shield request for applicable requirements for both the facility and for certain emission units. DEQ has determined that the requirements identified in the permit application for the individual emission units are non-applicable. These requirements are contained in the permit in Section IV - Non-applicable Requirements. This section remains in place until the next renewal review upon which Par may request a continued permit shield.

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

Applicable Requirement	Reason
40 CFR 50.1 through 50.16	These regulations establish ambient standards applicable to the area in which this facility is located. A shield is not appropriate.
40 CFR 50 Appendices A through R	These regulations describe methods for pollutant sampling and is or may be applicable and relevant to the area in which this facility is located. A shield is not appropriate.
40 CFR 51 through 59	These regulations specify various requirements for the state and is or may be applicable or relevant to this facility, the area in which the facility is located, or the state regulations which are applicable to this facility. A shield is not appropriate.
40 CFR 63 Appendix A	Appendix A specifies testing. This facility may be subject to testing by permit and at the request of DEQ. A shield is not appropriate.
ARM 17.8 Subchapters 1 and 2	These general rules are applicable to all facilities. A shield is not appropriate.
ARM 17.8 Subchapter 9	These regulations may become applicable during the life of the permit.
ARM 17.8 Subchapter 10	These regulations may become applicable during the life of the permit.
ARM 17.8.8.1210 to 1215	These regulations define what DEQ must include in an operating permit and is relevant to this facility. A shield is not appropriate.
ARM 17.8.1211 to 1231	These regulations regarding the Title V program are relevant to this facility. A shield is not appropriate.

Subchapter 12 Operating Permit Program	
ARM 17.8.1234 Acid Rain—Permits Regulation	This rule consists of a regulatory definition and statement of incorporation by reference
Subchapter 13 Conformity	
Subchapter 13 Conformity	This rule applies only to DEQ, EPA, and/or regional authorities
Subchapter 14 Conformity of General Federal Actions	
Subchapter 14 Conformity	This rule applies only to DEQ, EPA, and/or regional authorities
Subchapter 15 Compliance Assurance Monitoring	
Subchapter 15 CAM	The source is not currently subject to CAM; however, Department policy does not provide shield from CAM requirements.
Federal Requirements	
40 CFR 62 Approval and Promulgation of State Plans for Designated Facilities and Pollutants	These rules contain requirements for regulatory authorities and not major sources; these rules can be used to impose specific requirements on a major source.

SECTION V. FUTURE PERMIT CONSIDERATIONS

A. MACT Standards (Part 63)

As of the decision date of this permit, revisions to MACT standards 40 CFR 63, Subpart R shall become effective on May 8, 2027, Subpart R (Gasoline Distribution MACT) and 40 CFR 63, Subpart EEEE (Organic Liquid Distribution MACT) currently apply to this facility.

B. NESHAP Standards (Part 61)

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

C. NSPS Standards

As of the decision date of this permit, DEQ is unaware of any future NSPS Standard that may be promulgated that will affect this facility. The NSPS Standard 40 CFR 60, Subpart XXa (Bulk Gasoline Terminals) may apply to this facility in the future if the facility is modified or reconstructed after June 10, 2022.

D. Risk Management Plan

As of the decision date of this permit, this facility does not exceed the minimum threshold quantities for any regulated substance listed in 40 CFR 68.115 for any facility process. Consequently, this facility is not required to submit a Risk Management Plan.

If a facility has more than a threshold quantity of a regulated substance in a process, the facility must comply with 40 CFR 68 requirements no later than 3 years after the date on which a regulated substance is first listed under 40 CFR 68.130; or the date on which a regulated substance is first present in more than a threshold quantity in a process, whichever is later.

E. CAM Applicability

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

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

As a continuous emissions monitoring method is in place for the units covered by this permit, DEQ has determined that CAM is not applicable to any units within this permit.

F. PSD and Title V Greenhouse Gas Tailoring Rule

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

Under the Tailoring Rule, any PSD action (either a new major stationary source or a major modification at a major stationary source) taken for a pollutant or pollutants other than GHG that would become final on or after January 2, 2011, would be subject to PSD permitting requirements for GHG if the GHG increases associated with that action were at or above 75,000 TPY of carbon dioxide equivalent (CO₂e) and greater than 0 TPY on a mass basis. Similarly, if such action were taken, any resulting requirements would be subject to inclusion in the Title V Operating Permit. Facilities which hold Title V permits due to criteria pollutant emissions over 100 TPY would need to incorporate any GHG applicable requirements into their operating permits for any Title V action that would have a final decision occurring on or after January 2, 2011.

Starting on July 1, 2011, PSD permitting requirements would be triggered for modifications that were determined to be major under PSD based on GHG emissions alone, even if no other pollutant triggered a major modification. In addition, sources that are not considered PSD major sources based on criteria pollutant emissions would become subject to PSD review if their facility-wide potential emissions equaled or exceeded 100,000 TPY of CO₂e and 100 or 250 TPY of GHG on a mass basis depending on their listed status in ARM 17.8.801(22) and they undertook a permitting action with increases of 75,000 TPY or more of CO₂e and greater than 0 TPY of GHG on a mass basis. With respect to Title V, sources not currently holding a Title V permit that have potential facility-wide emissions equal to or exceeding 100,000 TPY of CO₂e and 100 TPY of GHG on a mass basis would be required to obtain a Title V Operating Permit.

The Supreme Court of the United States (SCOTUS), in its *Utility Air Regulatory Group v. EPA* decision on June 23, 2014, ruled that the Clean Air Act neither compels nor permits EPA to require a source to obtain a PSD or Title V permit on the sole basis of its potential emissions of GHG. SCOTUS also ruled that EPA lacked the authority to tailor the Clean Air Act’s unambiguous numerical thresholds of 100 or 250 TPY to accommodate a CO₂e threshold of 100,000 TPY. SCOTUS upheld that EPA reasonably interpreted the Clean Air Act to require sources that would need PSD permits based on their emission of conventional pollutants to comply with BACT for GHG. As such, the Tailoring Rule has been rendered invalid and sources cannot become subject to PSD or Title V regulations based on GHG emissions alone. Sources that must undergo PSD permitting due to pollutant emissions other than PSD may still be required to comply with BACT for GHG emissions.