



October 6, 2016

Mr. Kale Hanner  
Environmental Engineer  
ONEOK, Inc.  
100 W Fifth Street  
Tulsa, OK 74103

Re: Air Pollution Control  
Title V (Renewal)  
Permit to Operate

Dear Mr. Hanner:

Pursuant to the Air Pollution Control Rules of the State of North Dakota, the Department of Health has reviewed your permit application dated July 13, 2016 for the Lignite Gas Plant located in Burke County, North Dakota.

Enclosed is a copy of the Department's draft/proposed Title V Permit to Operate and statement of basis for the facility. Before making final determinations on the permit application, the Department of Health must solicit public comment by means of the enclosed public notice, to be immediately followed by a 45-day Environmental Protection Agency (EPA) review period. As indicated in the notice, the 30-day public comment period will begin October 13, 2016 and end November 12, 2016.

If any changes are subsequently made to the draft permit, then a review copy of the proposed permit reflecting those changes will be provided to EPA prior to the start of a 45-day EPA review period. The 45-day EPA review period will begin November 13, 2016 and end December 28, 2016.

All comments received will be considered in the final determination concerning issuance of the permit. The Department will take final action on the permit application following the public comment period and the EPA review period. You will be notified in writing of our final determination.

If you have any questions, please contact me at (701)328-5188 or email [kkschneider@nd.gov](mailto:kkschneider@nd.gov).

Sincerely,



Kyla K. Schneider  
Environmental Scientist  
Division of Air Quality

KKS:saj

Enc:

xc/enc: Mike Owens, EPA R8 (email)

NOTICE OF INTENT TO ISSUE AN  
AIR POLLUTION CONTROL  
TITLE V PERMIT TO OPERATE

Take notice that the North Dakota Department of Health (NDDoH) proposes to issue an Air Pollution Control Permit to Operate to ONEOK, Rockies Midstream, L.L.C. for operation of the Lignite Gas Plant in accordance with the ND Air Pollution Control Rules. The facility is located at Sec. 7, T162N, R91W in Burke County. The facility processes natural gas from the surrounding fields into commercial products. The ONEOK Rockies Midstream, L.L.C. mailing address is P.O. Box 871, Tulsa, OK 74102-0871. The draft renewal permit does not increase permitted emissions.

A thirty-day public comment period for the draft permit will begin October 13, 2016 and end November 12, 2016. Direct comments in writing to the NDDoH, Division of Air Quality, 918 E Divide Avenue, Bismarck, ND 58501-1947. Comments must be received by the end of the public comment period to be considered in the final permit determination. A public hearing regarding issuance of the permit will be held if a significant degree of public interest exists as determined by the NDDoH. Requests for a public hearing must be received in writing by the NDDoH before the end of the public comment period.

The notice, draft permit, statement of basis and application are available for review at the NDDoH address, at the Burke County Auditor's office in Bowbells, and on the Division of Air Quality website at <http://www.ndhealth.gov/AQ/PublicCom.aspx>. A copy of these documents may be obtained by writing to the Division of Air Quality or contacting Kyla Schneider at (701)328-5188 or emailing [kkschneider@nd.gov](mailto:kkschneider@nd.gov).

Dated this 6<sup>TH</sup> day of October 2016

Terry L. O'Clair, P.E.  
Director  
Division of Air Quality



Lignite Natural Gas Processing Plant  
Title V Permit to Operate  
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**1. Emission Unit Identification:**

The emission units regulated by this permit are as follows:

<b>Emission Unit Description</b>	<b>Emission Unit (EU)</b>	<b>Emission Point (EP)</b>	<b>Air Pollution Control Equipment</b>
White Superior 8GTL-825 pipeline compressor engine (1,100 bhp); natural gas-fired (built pre-2007)	WHITE2	WHITE2	None
Amine gas sweetening unit	ST-1	0	None *
Yuba hot oil heater (26 x 10 <sup>6</sup> Btu/hr) and fired on natural gas (pre-1979)	RH-900	H1	None
Acid gas/process/emergency flare (100 ft)	Flare	Flare	None
Heater treater (0.5 x 10 <sup>6</sup> Btu/hr); natural gas-fired	HT-100	HT-100	None
Emergency generator engine (350 bhp); distillate oil-fired (pre-2006, ZZZZ)	G-100 **	G1	None
TEG dehydration unit still vent	D-1	BFlare	BTEX Flare
BTEX Flare	BTEX Flare	BFlare	None
Fugitive emissions not subject to NSPS KKK or OOOO	FUG1	FUG1	None
Fugitive emissions subject to NSPS KKK	FUG2	FUG2	LDAR and some PRVs *** are routed to EU Flare
Fugitive emissions subject to NSPS KKK, but exempt from control	FUG3	FUG3	None
Fugitive emissions subject to NSPS OOOO	FUG5	FUG5	LDAR
Condensate tanks (working, breathing and flashing losses)	CTK	CTK	Combustor
VOC combustor for condensate tanks	COMBUST	COMBUST	None
Condensate truck loading	TL-1	TL-1	None
Methanol tanks (working and breathing losses)	MTK	MTK	None
Blowdowns	BD	BD	None

\* Acid gas from the amine gas sweetening unit (EU ST-1) is directed to the injection well. In the event of maintenance or malfunction, the acid gas will be directed to the acid gas/process/emergency flare (EU Flare).

\*\* The potential to emit for an emergency stationary reciprocating internal combustion engine (RICE) is based on operating no more hours per year than is permitted by the applicable rule (40 CFR 63, Subpart ZZZZ) except for emergency uses. For engines to be considered emergency stationary RICE under the RICE rules, engine operations must comply with non-emergency operating hour limits as specified in the

applicable subpart. There is no time limit on the use of emergency stationary RICE in emergency situations.

\*\*\* Pressure relief valves

2. **Miscellaneous Conditions:**

A. Fuel Restriction:

All emission units except EU Flare, EU BTEX flare, EU COMBUST, and EU G-100 are restricted to combusting only gaseous fuel containing no more than 2.0 grains of sulfur per 100 standard cubic feet. Emission Unit G-100 shall combust only distillate oil with no more than 0.0015% sulfur by weight.

Applicable Requirements: Permit to Construct and NDAC 33-15-14-03.6

B. Flaring Restrictions:

1) Flaring from EU Flare may not be used to burn waste gas for the purpose of increasing or maintaining well production without prior approval from this Department. EU Flare may combust potential equipment leaks from relief valves in the closed position that are tied into the flare. EU Flare may combust inlet gas, residue gas that is added to acid gas during acid gas flaring, residue gas when the residue pipeline is shut in, and gas from normal process flaring. EU Flare may also combust periodic hydrocarbon blowdowns of railcars or trucks. When it is necessary to operate EU Flare in an emergency, malfunction or for maintenance, all precautions shall be taken to minimize emissions and maintain compliance with the applicable ambient air quality standards as outlined in NDAC 33-15-02 and the opacity standard of 20% not to exceed 60% for more than one six-minute period per hour. The stack height for the EU Flare shall be at least 100 feet above ground level.

Applicable Requirement: NDAC 33-15-14-06.5.b(1)

2) Maintenance of the acid gas injection well is required approximately every two to three years. During such maintenance, the permittee will reduce the flow of high H<sub>2</sub>S gas to the plant if necessary to remain within the SO<sub>2</sub> lb/hr emission limit for the flare. To the extent practicable, this maintenance will be planned to occur during planned plant shutdowns, if any, to minimize emissions.

Applicable Requirement: NDAC 33-15-14-06.5.b(1)

3) Processing equipment at the facility (other than the glycol dehydration unit) shall be operated in such a manner as to minimize flaring as much as possible. Operations at the facility must be in accordance with the application for permit revision dated May 6, 2003 and the Permit to Construct, dated November 20, 2008, which specify the following:

- a) Acid gas injection replaces the sulfur recovery unit.
- b) Operation of the CEM has ceased.
- c) Off gases from the TEG dehydration unit are routed to the BTEX flare system for destruction. Off gases from the TEG dehydration unit still vent are routed to the acid gas/process/emergency flare when the BTEX flare is not operational.
- d) A flare of smokeless design during normal operations for the acid gas/process/emergency flare (EU Flare).

The TEG dehydration unit shall be operated such that regenerator overhead vapors from the still vent are routed to the BTEX Flare or the acid gas/process/emergency flare for destruction prior to being emitted to the atmosphere.

Applicable Requirement: NDAC 33-15-14-03.6

- 4) The flares must each be equipped and operated with an automatic ignitor or a continuous burning pilot which must be maintained in good working order as outlined in NDAC 33-15-07-02.

Applicable Requirement: NDAC 33-15-07-02

C. Like-Kind Engine Replacement: This permit allows the permittee to replace an existing engine with a like-kind engine. Replacement is subject to the following conditions:

- 1) The Department must be notified within 10 days after change-out of the engine.
- 2) The replacement engine shall operate in the same manner, provide no increase in throughput and have equal or less emissions than the engine it is replacing.
- 3) The date of manufacture of the replacement engine must be included in the notification. The facility must comply with any applicable federal standards (e.g. NSPS, MACT) triggered by the replacement.
- 4) The replacement engine is subject to the same state emission limits as the existing engine in addition to any NSPS or MACT emission limit that is applicable. Testing shall be conducted to confirm compliance with the NO<sub>x</sub>, CO and VOC emission limits within 180 days of start-up of the new engine using EPA Reference Methods in 40 CFR 60, Subpart A.

3. **Standards:** In addition to Subpart A (General Provisions) of NDAC 33-15-12-02 (40 CFR 60), the permittee shall comply with all applicable requirements of the following subparts. NDAC 33-15-12-02, Subpart A (Section 60.18, General Control Device Requirements) is also applicable to the acid gas/process/emergency flare (EU Flare).

- A. NDAC 33-15-12-02, Subpart KKK – Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants, to include but not be limited to Section 60.632 Standards, Section 60.633 Exceptions, Section 60.634 Alternative Means of Emission Limitations, Section 60.635 Recordkeeping Requirements, and Section 60.636 Reporting Requirements (applicable to EU FUG2).

Applicable Requirement: NDAC 33-15-12-02, Subpart KKK

- B. 40 CFR 60, Subpart OOOO – Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution (applicable to EU FUG5). The Department has not adopted this subpart. Send all required reports and documentation to EPA Region 8 at the following address.

U.S. EPA, Region 8  
 1595 Wynkoop Street  
 Mail Code 8ENF – AT  
 Denver, CO 80202-1129

Applicable Requirement: 40 CFR 60, Subpart OOOO

- C. NDAC 33-15-22-3, Subpart HH – National Emissions Standards for Hazardous Air Pollutants from oil and Natural Gas Production Facilities (applicable to EU D-1, TEG dehydration unit).

Applicable Requirement: NDAC 33-15-22, Subpart HH

- D. 40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (applicable to EU G-100, emergency generator engine). The Department has not adopted the area source provisions of this subpart. Send all required reports and documentation to EPA Region 8 at the address in Condition 3.B above.

Applicable Requirement: 40 CFR 63, Subpart ZZZZ

4. **Emission Unit Limits.**

Emission Unit Description	EU	EP	Pollutant/ Parameter	Emission Limit	NDAC Applicable Requirement
White Superior 8GTL-825 engine	WHITE2	WHITE2	NO <sub>x</sub>	4.85 lb/hr	Permit to Construct
			CO	7.27 lb/hr	Permit to Construct
			Opacity	20% <sup>A</sup>	33-15-03-02
			Work Practices	Various	40 CFR 63, Subpart ZZZZ
Yuba hot oil heater	RH-900	H1	Opacity	20% <sup>A</sup>	33-15-03-01.1

Emission Unit Description	EU	EP	Pollutant/ Parameter	Emission Limit	NDAC Applicable Requirement
Acid gas/process/emergency flare	Flare	Flare	SO <sub>2</sub>	1,416 lb/hr <sup>C</sup>	Permit to Construct
			Opacity	20% <sup>B</sup>	33-15-03-03.1
Heater treater	HT-100	HT-100	Opacity	20% <sup>A</sup>	33-15-03-03.1
Emergency generator engine	G-100	G1	Opacity	20% <sup>A</sup>	33-15-03-01.1
			Hours of Operation/ Work Practices	Various	40 CFR 63, Subpart ZZZZ
TEG dehydration unit still vent (controlled by BTEX Flare)	D-1	BTEX	Benzene	<0.99 tpy	33-15-14-06.5 and 33-15-22-03, Subpart HH
		BFlare	Opacity	20% <sup>B</sup>	33-15-03-03.1
Fugitive emissions subject to NSPS KKK	FUG2	FUG2	VOC	See Cond. 3.A	Permit to Construct 08036 and 33-15-12-02, Subparts A and KKK, as applicable
Fugitive emissions subject to NSPS OOOO	FUG5	FUG5	VOC	See Cond. 3.B	40 CFR 60, Subpart OOOO
VOC combustor for condensate tanks	COMBUST	COMBUST	VOC	20% <sup>B</sup>	33-15-03-03.1

A 40% opacity is permissible for not more than one six-minute period per hour.

B 60% opacity is permissible for not more than one six-minute period per hour.

C The minimum amount of fuel gas (less than 2 grains of sulfur per 100 cubic feet) to be added when flaring is 0.51 times the acid gas volume.

5. **Monitoring Requirements and Conditions:**

A. Requirements

Emission Unit Description	Pollutant/ Parameter	Monitoring Requirement (Method)	Condition Number	NDAC Applicable Requirement
White Superior 8GTL-825 engine (EU WHITE2)	NO <sub>x</sub>	Emissions Test	5.B.1	33-15-14-06.5.a.(3)(a)
	CO	Emissions Test	5.B.1	33-15-14-06.5.a.(3)(a)
	Opacity	Recordkeeping	5.B.2	33-15-14-06.5.a.(3)(a)
Yuba hot oil heater (EU RH-900)	Opacity	Recordkeeping	5.B.2	33-15-14-06.5.a.(3)(a)

Emission Unit Description	Pollutant/Parameter	Monitoring Requirement (Method)	Condition Number	NDAC Applicable Requirement
Acid gas/process/emergency flare (EU Flare)	SO <sub>2</sub>	Parameter Monitoring	5.B.3	33-15-14-06.5.a.(3)(a)
	Opacity	Visible Emissions Observations, as applicable	5.B.4 & 5.B.10	33-15-14-06.5.a.(3)(a) & 40 CFR 60.18
Heater treater (EU HT-100)	Opacity	Recordkeeping	5.B.2	33-15-14-06.5.a.(3)(a)
Emergency generator engine (EU G-100)	Opacity	Recordkeeping	5.B.2	33-15-14-06.5.a.(3)(a)
	Hours of Operation/Work Practices	Recordkeeping	Cond. 1 ** Note & Cond. 3.D	40 CFR 63, Subpart ZZZZ
TEG dehydration unit still vent (EU D-1) (controlled by BTEX Flare)	Benzene	Recordkeeping	5.B.5, 5.B.6 & 5.B.10	33-15-14-06.5.a.(3)(a) & 33-15-22-03, Subpart HH
	Opacity	Visible Emissions Observations, as applicable	5.B.2	33-15-14-06.5.a.(3)(a)
Fugitive emissions subject to NSPS KKK (EU FUG2)	VOC	Leak Detection and Repair (LDAR)	5.B.7	33-15-12-02, Subparts A and KKK, as applicable
Fugitive emissions subject to NSPS OOOO (EU FUG5)	VOC	LDAR	5.B.8	40 CFR 60, Subpart OOOO
VOC combustor for condensate tanks (COMBUST)	Opacity	Visible Emissions Observations, as applicable	5.B.2	33-15-14-06.5.a.(3)(a)

**B Monitoring Conditions**

1) Engines (excluding emergency generator):

Once every six months, or when changes are made to an engine that may increase emission rates, whichever is more frequent, to provide a reasonable assurance of compliance, the permittee shall conduct an emissions test to measure NO<sub>x</sub> and CO emissions, using at a minimum, a portable analyzer with quality assurance procedures equivalent to Conditional Test Methods 22 and/or 30 as outlined in EPA's Emission Measurement Center or the Department's Standard Operating Procedure, Use of Portable Analyzer for Title V Semi-Annual Testing. A test shall consist of three runs, with each run at least 20 minutes in length.

- 2) For purposes of compliance monitoring, burning of fuel as outlined in Condition 2.A shall be considered credible evidence of compliance with any applicable opacity standard. However, results from tests conducted in accordance with the test methods in 40 CFR Parts 50, 51, 60, 61, or 75 will take precedence over burning of fuel as outlined in Condition 2, for evidence of compliance or noncompliance with any applicable opacity standard, in the event of enforcement action.
- 3) During each occurrence of acid gas flaring, the permittee shall calculate and record the SO<sub>2</sub> emission rate (lb/hr) based on the H<sub>2</sub>S content and amount of gas flared, and record the amount of fuel gas added. Any calculated exceedances of the SO<sub>2</sub> emissions rate for the acid gas flare shall be reported to the Department within 10 working days.
- 4) If the acid gas flaring lasts longer than 24 hours, the permittee shall conduct a formal visible emissions evaluation of the flare to determine if the emissions are in compliance with the applicable opacity standard. Opacity readings shall consist of three consecutive six-minute periods per day of flaring using EPA Reference Method 9 and conducted by a certified visible emissions reader.
- 5) The TEG dehydration unit still vent shall be routed to either the BTEX flare or the acid gas/process/emergency flare.
- 6) Benzene emissions from the TEG dehydration unit still vent and flash vent shall be determined at least annually using average glycol circulation rate, average gas process rate, and GRd-GLYCalc emissions model, Version 3.0 or higher. In accordance with 40 CFR Part 63 for area sources of HAPs, records of benzene emissions shall be kept to demonstrate exemption from MACT control requirements.
- 7) Records shall be maintained of process unit modifications that could initiate NSPS Subpart KKK applicability. Records shall be maintained of LDAR program for FUG2, consistent with applicable requirements of 40 CFR 60 Subpart KKK.
- 8) Records shall be maintained of process unit modifications that could initiate NSPS Subpart OOOO applicability. Records shall be maintained of the LDAR program for FUG5, consistent with applicable requirements of 40 CFR 60, Subpart OOOO.
- 9) Records of condensate throughput shall be maintained.
- 10) For the flares, the presence of a flame shall be monitored using a thermocouple or any other equivalent device approved by the Department.

Applicable Requirements: NDAC 33-15-14-06.5.a.(3)(a) and NDAC 33-15-14-06.5.b.(1)

## 6. Recordkeeping Requirements:

- A. The permittee shall maintain compliance monitoring records as outlined in the Monitoring

Records Table that include the following information.

- 1) The date, place (as defined in the permit) and time of sampling or measurement.
- 2) The date(s) testing was performed.
- 3) The company, entity, or person that performed the testing.
- 4) The testing techniques or methods used.
- 5) The results of such testing.
- 6) The operating conditions for the engines (i.e., ambient conditions, horsepower calculations, suction/discharge pressures, testing rate compared to rated capacity, timing, air to fuel ratio and rpm that existed at the time of sampling or measurement).

Applicable Requirement: NDAC 33-15-14-06-5 a.(3)(b)[1]

Monitoring Records Table

<b>Emissions Unit Description (EU)</b>	<b>Pollutant/ Parameter</b>	<b>Compliance Monitoring Record</b>
White Superior 8GTL-825 engine (EU WHITE2)	NO <sub>x</sub>	Emissions Test Data
	CO	Emissions Test Data
	Opacity	Type of Fuel Usage
	Work Practices	Work Practices Log
Yuba hot oil heater (EU RH-900)	Opacity	Type of Fuel Usage
Acid gas/process/emergency flare (EU Flare)	SO <sub>2</sub>	H2S Content, Amount of Gas Flared. Amount of Fuel Gas Added, SO <sub>2</sub> (lb/hr)
	Opacity	Visible Emissions Observations Readings
Heater treater (EU HT-100)	Opacity	Type of Fuel Usage
Emergency generator engine (EU G-100)	Opacity	Type of Fuel Usage
	Hours of Operation/ Work Practices	Hours of Operation & Work Practices Logs
TEG dehydration unit still vent (EU D-1)	Benzene	Glycol Regenerator Still Vent Controlled by BTEX Flare or Acid Gas/Process/Emergency Flare Annual GLYCalc Calculation

<b>Emissions Unit Description (EU)</b>	<b>Pollutant/Parameter</b>	<b>Compliance Monitoring Record</b>
Fugitive emissions (EUs FUG1 and FUG3)	VOC	Log for NSPS Subpart KKK and OOOO Applicability
Fugitive emissions (EU FUG2)	VOC	LDAR Records, as applicable
Fugitive emissions (EU FUG5)	VOC	LDAR Records, as applicable

- B. The permittee shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration maintenance records of the engines and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by the permit.

Applicable Requirement: NDAC 33-15-14-06-5.a.(3)(b)[2]

**7. Reporting:**

- A. The permittee shall submit a semi-annual monitoring report for all monitoring records required under Condition 6, on forms supplied or approved by the Department. All instances of deviations from the permit must be identified in the report. A monitoring report shall be submitted within 45 days after June 30 and December 31 of each year.

The semi-annual monitoring report shall also include the following information regarding each acid gas flaring event:

- 1) Reason for flaring from EU Flare.
- 2) Date and length of time that flaring occurred.
- 3) Amount of gas flared (ft<sup>3</sup>) and H<sub>2</sub>S content.
- 4) Calculated average SO<sub>2</sub> lb/hr.

Applicable Requirements: NDAC 33-15-14-06.5.a(3)(c)[1] and [2]

- B. The permittee shall submit an annual compliance certification report within 45 days after December 31 of each year on forms supplied or approved by the Department.

Applicable Requirement: NDAC 33-15-14-06.5.c(5)

- C. For emission units where the method of compliance monitoring is demonstrated by either an EPA Test Method or a portable analyzer test, the test report shall be submitted to the Department within 60 days after completion of the test.

Applicable Requirement: NDAC 33-15-14-06.5.a(6)(e)

- D. The permittee shall submit an annual emission inventory report on forms supplied or approved by the Department. This report shall be submitted by March 15 of each calendar year. Insignificant units/activities listed in this permit do not need to be included in the report.

Applicable Requirements: NDAC 33-15-14-06.5.a(7) and NDAC 33-15-23-04

8. **Facility Wide Operating Conditions:**

A. **Ambient Air Quality Standards:**

- 1) Particulate and gases. The permittee shall not emit air contaminants in such a manner or amount that would violate the standards of ambient air quality listed in Table 1 of NDAC 33-15-02.
- 2) Radioactive substances. The permittee shall not release into the ambient air any radioactive substances exceeding the concentrations specified in NDAC 33-10.
- 3) Other air contaminants. The permittee shall not emit any other air contaminants in concentrations that would be injurious to human health or well-being or unreasonably interfere with the enjoyment of property or that would injure plant or animal life.
- 4) Disclaimer. Nothing in any other part or section of this permit may in any manner be construed as authorizing or legalizing the emission of air contaminants in such manner that would violate the standards in Paragraphs 1), 2) and 3) of this condition.

Applicable Requirement: NDAC 33-15-02-04

- B. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33-15-17.

Applicable Requirement: NDAC 33-15-17

- C. **Open Burning:** The permittee may not cause, conduct, or permit open burning of refuse, trade waste, or other combustible material, except as provided for in section 33-15-04-02 and may not conduct, cause, or permit the conduct of a salvage operation by open burning. Any permissible open burning under NDAC 33-15-04-02 must comply with the requirements of that section.

Applicable Requirement: NDAC 33-15-04

- D. **Asbestos Renovation or Demolition:** Any asbestos renovation or demolition at the facility shall comply with emission standard for asbestos in NDAC 33-15-13.

Applicable Requirement: NDAC 33-15-13-02

**E. Requirements for Organic Compounds Gas Disposal:**

- 1) The owner/operator shall incinerate, flare or treat in an equally effective manner any organic compounds, gases and vapors which are generated as wastes as the result of storage, refining, or process operations and which contain hydrogen sulfide before being released to the ambient air.
- 2) Each flare must be equipped and operated with an automatic ignitor or a continuous burning pilot.

Applicable Requirement: NDAC 33-15-07-02

**F. Rotating Pumps and Compressors:** All rotating pumps and compressors handling volatile organic compounds must be equipped and operated with properly maintained seals designed for their specific product service and operating conditions.

Applicable Requirement: NDAC 33-15-07-01.5

**G. Shutdowns/Malfunction/Continuous Emission Monitoring System Failure:**

- 1) **Maintenance Shutdowns.** In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Department at least twenty-four hours prior to the planned shutdown provided that the air contaminating source will be operated while the control equipment is not in service. Such prior notice shall include the following:
  - a) Identification of the specific facility to be taken out of service as well as its location and permit number.
  - b) The expected length of time that the air pollution control equipment will be out of service.
  - c) The nature and estimated quantity of emissions of air pollutants likely to be emitted during the shutdown period.
  - d) Measures, such as the use of off-shift labor and equipment, that will be taken to minimize the length of the shutdown period.
  - e) The reasons that it would be impossible or impractical to shutdown the source operation during the maintenance period.

- f) Nothing in this subsection shall in any manner be construed as authorizing or legalizing the emission of air contaminants in excess of the rate allowed by this article or a permit issued pursuant to this article.

Applicable Requirement: NDAC 33-15-01-13.1

2) Malfunctions.

- a) When a malfunction in any installation occurs that can be expected to last longer than twenty-four hours and cause the emission of air contaminants in violation of this article or other applicable rules and regulations, the person responsible for such installation shall notify the Department of such malfunction as soon as possible during normal working hours. The notification must contain a statement giving all pertinent facts, including the estimated duration of the breakdown. The Department shall be notified when the condition causing the malfunction has been corrected.
- b) Immediate notification to the Department is required for any malfunction that would threaten health or welfare, or pose an imminent danger. During normal working hours the Department can be contacted at 701-328-5188. After hours the Department can be contacted through the twenty-four-hour state radio emergency number 1-800-472-2121. If calling from out of state, the twenty-four-hour number is 701-328-9921.
- c) Unavoidable Malfunction. The owner or operator of a source who believes any excess emissions resulted from an unavoidable malfunction shall submit a written report to the Department which includes evidence that:
- [1] The excess emissions were caused by a sudden, unavoidable breakdown of technology that was beyond the reasonable control of the owner or operator.
  - [2] The excess emissions could not have been avoided by better operation and maintenance, did not stem from an activity or event that could have been foreseen and avoided, or planned for.
  - [3] To the extent practicable, the source maintained and operated the air pollution control equipment and process equipment in a manner consistent with good practice for minimizing emissions, including minimizing any bypass emissions.
  - [4] Any necessary repairs were made as quickly as practicable, using off-shift labor and overtime as needed and possible.
  - [5] All practicable steps were taken to minimize the potential impact of the excess emissions on ambient air quality.

- [6] The excess emissions are not part of a recurring pattern that may have been caused by inadequate operation or maintenance, or inadequate design of the malfunctioning equipment.

The report shall be submitted within thirty days of the end of the calendar quarter in which the malfunction occurred or within thirty days of a written request by the Department, whichever is sooner.

The burden of proof is on the owner or operator of the source to provide sufficient information to demonstrate that an unavoidable equipment malfunction occurred. The Department may elect not to pursue enforcement action after considering whether excess emissions resulted from an unavoidable equipment malfunction. The Department will evaluate, on a case-by-case basis, the information submitted by the owner or operator to determine whether to pursue enforcement action.

Applicable Requirement: NDAC 33-15-01-13.2

- 3) Continuous Emission Monitoring System Failures. When a failure of a continuous emission monitoring system occurs, an alternative method for measuring or estimating emissions must be undertaken as soon as possible. The owner or operator of a source that uses an alternative method shall have the burden of demonstrating that the method is accurate. Timely repair of the emission monitoring system must be made. The provisions of this subsection do not apply to sources that are subject to monitoring requirements in Chapter 33-15-21 (40 CFR 75, Acid Rain Program).

Applicable Requirement: NDAC 33-15-01-13.3

H. **Noncompliance Due to an Emergency:** The permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

- 1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- 2) The permitted facility was at the time being properly operated;
- 3) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- 4) The permittee submitted notice of the emergency to the Department within one working day of the time when emission limitations were exceeded longer than 24-hours due to the emergency. This notice must contain a description of the emergency, any steps taken to

mitigate emissions, and corrective actions taken. Those emergencies not reported within one working day, as well as those that were, will be included in the semi-annual report.

- 5) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- a) Technology-based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a New Source Performance Standard) rather than those established to attain a health based air quality standard.
  - b) An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of this source, including acts of God, which requires immediate corrective action to restore normal operation, and that causes this source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

Applicable Requirement: NDAC 33-15-14-06.5.g

- I. **Air Pollution from Internal Combustion Engines:** The permittee shall comply with all applicable requirements of NDAC 33-15-08-01 – Internal Combustion Engine Emissions Restricted.

Applicable Requirement: NDAC 33-15-08-01

- J. **Prohibition of Air Pollution:**

- 1) The permittee shall not permit or cause air pollution, as defined in NDAC 33-15-01-04.
- 2) Nothing in any other part of this permit or any other regulation relating to air pollution shall in any manner be construed as authorizing or legalizing the creation or maintenance of air pollution.

Applicable Requirement: NDAC 33-15-01-15

- K. **Performance Tests:**

- 1) The Department may reasonably require the permittee to make or have made tests, at a reasonable time or interval, to determine the emission of air contaminants from any source, for the purpose of determining whether the permittee is in violation of any standard or to satisfy other requirements of NDCC 23-25. All tests shall be made and the results calculated in accordance with test procedures approved or specified by the Department

including the North Dakota Department of Health Emission Testing Guideline. All tests shall be conducted by reputable, qualified personnel. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.

- 2) The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department, the permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants.

Applicable Requirement: NDAC 33-15-01-12

- 3) Except for sources subject to 40 CFR 63, the permittee shall notify the Department by submitting a Proposed Test Plan, or its equivalent, at least 30 calendar days in advance of any tests of emissions of air contaminants required by the Department. The permittee shall notify the Department at least 60 calendar days in advance of any performance testing required under 40 CFR 63. If the permittee is unable to conduct the performance test on the scheduled date, the permittee shall notify the Department as soon as practicable when conditions warrant, and shall coordinate a new test date with the Department.

**Failure to give the proper notification may prevent the Department from observing the test. If the Department is unable to observe the test because of improper notification, the test results may be rejected.**

Applicable Requirements: NDAC 33-15-14-06.5.a(3)(a), NDAC 33-15-12-02 Subpart A (40 CFR 60.8), NDAC 33-15-13-01.2 Subpart A (40 CFR 61.13), NDAC 33-15-22-03 Subpart A (40 CFR 63.7)

- L. **Pesticide Use and Disposal:** Any use of a pesticide or disposal of surplus pesticides and empty pesticide containers shall comply with the requirements in NDAC 33-15-10.

Applicable Requirements: NDAC 33-15-10-01 and NDAC 33-15-10-02

- M. **Air Pollution Emergency Episodes:** When an air pollution emergency episode is declared by the Department, the permittee shall comply with the requirements in NDAC 33-15-11.

Applicable Requirements: NDAC 33-15-11-01 through NDAC 33-15-11-04

- N. **Stratospheric Ozone Protection:** The permittee shall comply with any applicable standards for recycling and emissions reduction pursuant to 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 Section 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 Section 82.158.
- 3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to Section 82.161.
- 4) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to Section 82.156.

Applicable Requirement: 40 CFR 82

O. **Chemical Accident Prevention:** The permittee shall comply with all applicable requirements of Chemical Accident Prevention pursuant to 40 CFR 68. The permittee shall comply with the requirements of this part no later than the latest of the following dates:

- 1) Three years after the date on which a regulated substance is first listed under this part; or
- 2) The date on which a regulated substance is first present above a threshold quantity in a process.

Applicable Requirement: 40 CFR 68

P. **Air Pollution Control Equipment:** The permittee shall maintain and operate air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. The manufacturer's recommended Operations and Maintenance (O&M) procedures, or a site-specific O&M procedure developed from the manufacturer's recommended O&M procedures, shall be followed to assure proper operation and maintenance of the equipment. The permittee shall have the O&M procedures available onsite and provide the Department with a copy when requested.

Applicable Requirement: NDAC 33-15-14-06.5.b(1)

Q. **Prevention of Significant Deterioration of Air Quality (40 CFR 52.21 as incorporated by NDAC Chapter 33-15-15):** If this facility is classified as a major stationary source under the Prevention of Significant Deterioration of Air Quality (PSD) rules, a Permit to Construct must be obtained from the Department for any project which meets the definition of a "major modification" under 40 CFR 52.21(b)(2).

If this facility is classified as a major stationary source under the PSD rules and the permittee elects to use the method specified in 40 CFR 52.21(b)(41)(ii)(a) through (c) for calculating the projected actual emissions of a proposed project, then the permittee shall comply with all applicable requirements of 40 CFR 52.21(r)(6).

Applicable Requirement: NDAC 33-15-15-01.2

9. **General Conditions:**

- A. **Annual Fee Payment:** The permittee shall pay an annual fee, for administering and monitoring compliance, which is determined by the actual annual emissions of regulated contaminants from the previous calendar year. The Department will send a notice, identifying the amount of the annual permit fee, to the permittee of each affected installation. The fee is due within sixty days following the date of such notice. Any source that qualifies as a "small business" may petition the Department to reduce or exempt any fee required under this section. Failure to pay the fee in a timely manner or submit a certification for exemption may cause this Department to initiate action to revoke the permit.

Applicable Requirements: NDAC 33-15-14-06.5.a(7) and NDAC 33-15-23-04

- B. **Permit Renewal and Expiration:** This permit shall be effective from the date of its issuance for a fixed period of 5 years. The permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least six months, but no more than eighteen months, prior to the date of permit expiration. The Department shall approve or disapprove the renewal application within sixty days of receipt. Unless the Department requests additional information or otherwise notifies the applicant of incompleteness, the application shall be deemed complete. For timely and complete renewal applications for which the Department has failed to issue or deny the renewal permit before the expiration date of the previous permit, all terms and conditions of the permit, including any permit shield previously granted shall remain in effect until the renewal permit has been issued or denied. The application for renewal shall include the current permit number, description of any permit revisions and off-permit changes that occurred during the permit term, and any applicable requirements that were promulgated and not incorporated into the permit during the permit term.

Applicable Requirements: NDAC 33-15-14-06.4 and NDAC 33-15-14-06.6

- C. **Transfer of Ownership or Operation:** This permit may not be transferred except by procedures allowed in Chapter 33-15-14 and is to be returned to the Department upon the destruction or change of ownership of the source unit(s), or upon expiration, suspension or revocation of this permit. A change in ownership or operational control of a source is treated as an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Department.

Applicable Requirement: NDAC 33-15-14-06.6.d

- D. **Property Rights:** This permit does not convey any property rights of any sort, or any exclusive privilege.

Applicable Requirement: NDAC 33-15-14-06.5.a(6)(d)

**E. Submissions:**

- 1) Reports, test data, monitoring data, notifications, and requests for renewal shall be submitted to:

North Dakota Department of Health  
Division of Air Quality  
918 E Divide Avenue, 2<sup>nd</sup> Floor  
Bismarck, ND 58501-1947

- 2) Any document submitted shall be certified as being true, accurate, and complete by a responsible official.

Applicable Requirement: NDAC 33-15-14-06.4.d

- F. Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Health may enter and inspect any property, premise or place listed on this permit or where records are kept concerning this permit at any reasonable time for the purpose of ascertaining the state of compliance with this permit and the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.

Applicable Requirements: NDAC 33-15-14-06.5.c(2) and NDAC 33-15-01-06

- G. Compliance:** The permittee must comply with all conditions of this permit. Any noncompliance with a federally-enforceable permit condition constitutes a violation of the Federal Clean Air Act. Any noncompliance with any State enforceable condition of this permit constitutes a violation of NDCC Chapter 23-25 and NDAC 33-15. Violation of any condition of this permit is grounds for enforcement action, for permit termination, revocation and reissuance or modification, or for denial of a permit renewal application. Noncompliance may also be grounds for assessment of penalties under the NDCC 23-25. 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 this permit.

Applicable Requirements: NDAC 33-15-14-06.5.a(6)(a) and NDAC 33-15-14-06.5.a(6)(b)

- H. Duty to Provide Information:** The permittee shall furnish to the Department, within a reasonable time, any information that the Department 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. This includes instances where an alteration, repair, expansion, or change in method of operation of the source occurs. Upon request, the permittee shall also furnish to the Department copies of records that the permittee is required to keep by this permit, or for information claimed to be confidential, the permittee may furnish such recourse directly to the Department along with a claim of confidentiality. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. Items that warrant

supplemental information submittal include, but are not limited to, changes in the ambient air boundary and changes in parameters associated with emission points (i.e., stack parameters). The permittee shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete renewal application was submitted but prior to release of a draft permit.

Applicable Requirements: NDAC 33-15-14-06.5.a(6)(e), NDAC 33-15-14-06.6.b(3) and NDAC 33-15-14-06.4.b

I. **Reopening for Cause:** The Department will reopen and revise this permit as necessary to remedy deficiencies in the following circumstances:

- 1) Additional applicable requirements under the Federal Clean Air Act become applicable to the permittee with a remaining permit term of three or more years. Such a reopening shall be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the expiration date of this permit.
- 2) The Department or the United States Environmental Protection Agency determines that this permit contains a material mistake or inaccurate statements were made in establishing the emissions standards or other terms or conditions of this permit.
- 3) The Department or the United States Environmental Protection Agency determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
- 4) Reopenings shall not be initiated before a notice of intent to reopen is provided to the permittee by the Department at least 30 days in advance of the date that this permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency. Proceedings to reopen and issue this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

Applicable Requirement: NDAC 33-15-14-06.6.f

J. **Permit Changes:** The permit may be modified, revoked, reopened, and reissued or terminated for cause. 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.

Applicable Requirement: NDAC 33-15-14-06.5.a(6)(c)

K. **Off-Permit Changes:** A permit revision is not required for changes that are not addressed or prohibited by this permit, provided the following conditions are met:

- 1) No such change may violate any term or condition of this permit.
- 2) Each change must comply with all applicable requirements.

- 3) Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the Federal Clean Air Act.
- 4) A Permit to Construct under NDAC 33-15-14-02 has been issued, if required.
- 5) Before the permit change is made, the permittee must provide written notice to both the Department and Air Program (8P-AR), Office of Partnerships & Regulatory Assistance, US EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129, except for changes that qualify as insignificant activities in Section 33-15-14-06. This notice shall describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result.
- 6) The permittee shall record all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes. The record shall reside at the permittee's facility.

Applicable Requirement: NDAC 33-15-14-06.6.b(3)

L. **Administrative Permit Amendments:** This permit may be revised through an administrative permit amendment, if the revision to this permit accomplishes one of the following:

- 1) Corrects typographical errors.
- 2) Identifies a change in the name, address or phone number of any person identified in this permit, or provides a similar minor administrative change at the source.
- 3) Requires more frequent monitoring or reporting by the permittee.
- 4) Allows for a change in ownership or operational control of the source where the Department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittee has been submitted to the Department.
- 5) Incorporates into the Title V permit the requirements from a Permit to Construct when the review was substantially equivalent to Title V requirements for permit issuance, renewal, reopenings, revisions and permit review by the United States Environmental Protection Agency and affected state review, that would be applicable to the change if it were subject to review as a permit modification and compliance requirements substantially equivalent to Title V requirements for permit content were contained in the Permit to Construct.
- 6) Incorporates any other type of change which the Administrator of the United States Environmental Protection Agency has approved as being an administrative permit amendment as part of the Department's approved Title V operating permit program.

Applicable Requirement: NDAC 33-15-14-06.6.d

M. **Minor Permit Modification:** This permit may be revised by a minor permit modification, if the proposed permit modification meets the following requirements:

- 1) Does not violate any applicable requirement.
- 2) Does not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in this permit.
- 3) Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
- 4) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Federal Clean Air Act; and alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Federal Clean Air Act.
- 5) Are not modifications under NDAC 33-15-12, 33-15-13, and 33-15-15 or any provision of Title I of the Federal Clean Air Act.
- 6) Are not required to be processed as a significant modification.

Applicable Requirement: NDAC 33-15-14-06.6.e(1)

N. **Significant Modifications:**

- 1) Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall be considered significant. Nothing therein shall be construed to preclude the permittee from making changes consistent with this subsection that would render existing permit compliance terms and conditions irrelevant.
- 2) Significant permit modifications shall meet all Title V requirements, including those for applications, public participation, review by affected states, and review by the United States Environmental Protection Agency, as they apply to permit issuance and permit renewal. The Department shall complete review of significant permit modifications within nine months after receipt of a complete application.

Applicable Requirement: NDAC 33-15-14-06.6.e(3)

O. **Operational Flexibility:** The permittee is allowed to make a limited class of changes within the permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit, are not

Title I modifications and a Permit to Construct is not required. This class of changes does not include changes that would violate applicable requirements; or changes to federally-enforceable permit terms or conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements.

The permittee is required to send a notice to both the Department and Air Program (8P-AR), Office of Partnerships & Regulatory Assistance, US EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129, at least seven days in advance of any change made under this provision. The notice must describe the change, when it will occur and any change in emissions, and identify any permit terms or conditions made inapplicable as a result of the change. The permittee shall attach each notice to its copy of this permit. Any permit shield provided in this permit does not apply to changes made under this provision.

Applicable Requirement: NDAC 33-15-14-06.6.b(2)

**P. Relationship to Other Requirements:** Nothing in this permit shall alter or affect the following:

- 1) The provisions of Section 303 of the Federal Clean Air Act (emergency orders), including the authority of the administrator of the United States Environmental Protection Agency under that section.
- 2) 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.
- 3) The ability of the United States Environmental Protection Agency to obtain information from a source pursuant to Section 114 of the Federal Clean Air Act.
- 4) Nothing in this permit shall relieve the permittee of the requirement to obtain a Permit to Construct.

Applicable Requirements: NDAC 33-15-14-06.3 and NDAC 33-15-14-06.5.f(3)(a), (b) and (d)

**Q. Severability Clause:** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Applicable Requirement: NDAC 33-15-14-06.5.a(5)

**R. Circumvention:** The permittee shall not cause or permit the installation or use of any device of any means which conceals or dilutes an emission of air contaminants which would otherwise violate this permit.

Applicable Requirement: NDAC 33-15-01-08

10. **State Enforceable Only Conditions (not Federally enforceable):**

- A. **General Odor Restriction:** The permittee shall not discharge into the ambient air any objectionable odorous air contaminant which exceeds the limits established in NDAC 33-15-16.

Applicable Requirement: NDAC 33-15-16

- B. **Hydrogen Sulfide Restriction:** The permittee shall not discharge into the ambient air hydrogen sulfide (H<sub>2</sub>S) in concentrations that would be objectionable on land owned or leased by the complainant or in areas normally accessed by the general public. For the purpose of complaint resolution, two samples with concentrations greater than 0.05 parts per million (50 parts per billion) sampled at least 15 minutes apart within a two-hour period and measured in accordance with Section 33-15-16-04 constitute a violation.

Applicable Requirement: NDAC 33-15-16-04

DRAFT

ONEOK Rockies Midstream, L.L.C.  
Lignite Gas Plant  
Renewal No. 4 of  
Title V Permit to Operate No. T5-O80001  
**Statement of Basis**  
(7/19/2016)

Facility Background: The ONEOK Rockies Midstream, L.L.C. Lignite Natural Gas Processing Plant is a natural gas processing facility that uses lean oil refrigeration and compression to process gas from the surrounding fields into methane and ethane gas, propane and butane liquids and natural gasoline. The remaining acid gas is compressed and piped to a wellhead located approximately one quarter mile from the plant. The acid gas is then injected into the Madison Formation located approximately 6,300 feet below the wellhead. The disposal wellhead is equipped with H<sub>2</sub>S leak detection sensors. The plant is located in Burke County and processing capacity is 10 million standard cubic feet per day.

Emission units at the facility include one natural gas-fired heater with a nominal capacity of 26 x 10<sup>6</sup> Btu/hr heat input, one 1,100 bhp natural gas-fired compressor engine, a 350 bhp emergency electrical generator engine fired on distillate oil, an acid gas/process/emergency flare, a BTEX flare, an amine gas sweetening unit, a TEG dehydration unit, condensate tanks, and fugitive emissions.

Texaco, Inc. was the original owner of the facility, which was then called the Texaco Lignite Gasoline Plant. The plant began operations in 1971 with a flare for emission control and received an initial Permit to Operate (O80001) April 6, 1972. Permit renewals occurred at three year intervals, and on December 31, 1976, Darenco Inc. became the plant's owner. In September of 1977, plant operations were transferred to Energy Operating Company (ENOPCO). In December of 1979, Cities Service Company became the owner.

A plant expansion began in 1982 and included the installation of four gas compressors and a sulfur recovery unit (SRU) that began operation in October of 1983. Prevention of Significant Deterioration (PSD) was considered during the permitting process for the expansion project. In May of 1988, the owner's name was changed from Cities Service Company to Oxy NGL, Inc. In June of 1991, Interenergy Corporation became the plant's owner. A Title V permit application was submitted September 26, 1995, and Permit to Operate T5-O80001 was first issued February 11, 1997 and renewed at five year intervals.

December 1, 1997 Bear Paw Energy, Inc. (Inc. later changed to LLC) became the operator of the plant, which was previously owned by the Interenergy Sheffield Processing Company. Title V Permit Renewal Number 1 was issued January 14, 2002. In May of 2003, the SRU and incinerator were replaced by an acid gas injection well in a minor modification to the Title V permit. Bear Paw Energy, LLC was a subsidiary of ONEOK Partners, L.P. (formerly Northern Border Partners), a Delaware Limited Partnership. ONEOK Partners was, in turn, controlled by ONEOK, Inc., an Oklahoma corporation. Permit to Construct (PTC) 08036 was issued November 20, 2008, and it permitted expansion of the plant processing capacity to 10 million

standard cubic feet per day. Bear Paw Energy, LLC submitted an application dated October 28, 2010 to modify the Title V permit for the plant expansion per the requirements of PTC 08036. The Department suggested and Bear Paw Energy, LLC concurred that it would be appropriate to incorporate the permit modification into the permit renewal in 2011.

On September 26, 2011, the Department was notified by ONEOK, Inc. that Bear Paw Energy, LLC had changed its name to ONEOK Rockies Midstream, L.L.C. On April 4, 2012, Renewal No. 3 of the Title V permit was issued following receipt of a timely renewal application.

Current Action: On July 15, 2016 the Department received a timely permit application dated July 13, 2016 from ONEOK Rockies Midstream, L.L.C. for renewal of their North Dakota Air Pollution Control Title V Permit to Operate No. T5-O80001 for operation of the Lignite Natural Gas Processing Plant. Most of the changes in the draft renewal permit are administrative in nature; however, some of the changes involve the listing of insignificant units or identification of new rules. The Department proposes to issue Renewal No. 4 of the Title V permit for a 5-year term after the required 45-day EPA review period. This statement of basis summarizes the relevant information considered during this revision of the Title V permit. The legal basis for each permit condition is stated in the draft permit under the heading of "Applicable Requirement."

Applicable Programs/As-Needed Topics:

1. **Title V.** The facility holds a Title V permit to operate because the actual SO<sub>2</sub> emissions were typically above 400 tons per year prior to ending SRU and incinerator operation and beginning acid gas injection in 2003. Actual SO<sub>2</sub> and other pollutant emissions have been below Title V major source thresholds in recent years; however, the potential to emit greater than 100 tons per year of SO<sub>2</sub> is still authorized by the permit.
2. **New Source Performance Standards (NSPS).** NDAC 33-15-12-02 (40 CFR Part 60), Subpart A (General Provisions) and Subpart KKK (Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants) apply to various parts of the facility because the equipment is in VOC/wet gas service.  
  
40 CFR 60, Subpart OOOO (Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution) is applicable to EU FUG5 VOC emissions. The Department has not adopted this subpart.  
  
40 CFR 60 Subpart LLL (Standards of Performance for Onshore Natural Gas Processing: SO<sub>2</sub> Emissions) does not apply. This subpart applies to the following affected facilities that process natural gas: each sweetening unit and each sweetening unit followed by a sulfur recovery unit. 40 CFR 60.640(e) states that the provisions of this subpart do not apply to sweetening facilities producing acid gas that is completely re-injected into oil-or-gas-bearing geologic strata or that is otherwise not released to the atmosphere. Based upon this provision, this subpart does not apply.
3. **National Emission Standards for Hazardous Air Pollutants (NESHAP).** No 40 CFR Part 61 subparts apply to the facility.

4. **NESHAP (MACT).** NDAC 33-15-21-03 (40 CFR 63), Subpart HH, National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities. Subpart HH and Subpart A (General Provisions) apply to affected emission points that are located at facilities which are major or area sources of HAP and either process, upgrade, or store hydrocarbons prior to the point of custody transfer or prior to which the natural gas enters the natural gas transmission and storage source category. 40 CFR 63.765(a) states that the glycol dehydration unit process vent standard section applies to each glycol dehydration unit subject to the subpart with an actual annual average natural gas flow rate equal to or greater than 85,000 standard cubic meters per day and with actual average benzene glycol dehydration unit process vent emissions equal to or greater than 0.90 megagrams per year. Lignite Gas Plant is an area source of HAP with an actual annual average natural gas flow rate of greater than 85,000 standard cubic meters per day, but the glycol dehydration unit is limited to emissions less than 0.90 megagrams (0.99 tpy) of benzene. Therefore, the facility is not subject to area source control requirements of this subpart.

40 CFR 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE). Subpart ZZZZ applies to EU G-100 because it is an existing diesel-fired stationary reciprocating internal combustion emergency engine with a site rating less than 500 hp located at an industrial area source of HAP emissions. The facility is an area source of HAP and the Department has not adopted the area source provisions of this subpart.

5. **Acid Rain.** 40 CFR 75 does not apply since the facility is not an electric utility plant.
6. **Prevention of Significant Deterioration (PSD).** The facility is not a major source under 40 CFR 52 because it does not have the potential to emit more than 250 tons of any air contaminant during normal operations.
7. **BACT.** BACT does not apply since PSD does not apply.
8. **Gap Filling.** The permit does contain gap filling for testing, monitoring or recordkeeping not otherwise required by rule. This draft renewal permit contains additional gap filling for monitoring opacity of the heater treater, EU HT-100.
9. **Streamlining Decisions.** Not applicable because no streamlining was involved.
10. **Compliance Assurance Monitoring (CAM).** CAM does not apply because there is no add-on air pollution control equipment installed. The normal means of disposing of the H<sub>2</sub>S is well injection. The backup method is flaring which produces SO<sub>2</sub> for which there is an emission limit. There is no control device for the SO<sub>2</sub>, therefore CAM does not apply.
11. **Permit Shield.** The permit to operate does not contain a permit shield.

12. **New Conditions/Limits.** New conditions were added to address applicability of 40 CFR 60, Subpart OOOO, and maintenance of the acid gas injection well.
13. **40 CFR Part 98 -- Mandatory Greenhouse Gas Reporting.** This rule requires sources above certain emission thresholds to calculate, monitor, and report greenhouse gas emissions. According to the definition of "applicable requirement" in 40 CFR 70.2, neither Subpart 98, nor Clean Air Act Section 307(d)(1)(V), the CAA authority under which Subpart 98 was promulgated, are listed as applicable requirements for the purpose of title V permitting. Although the rule is not an applicable requirement under 40 CFR Part 70, the source is not relieved from the requirement to comply with the rule separately from compliance with their Part 70 operating permit. It is the responsibility of each source to determine applicability to the subpart and to comply, if necessary.

Permit Changes by Section In this Draft Revision:

Note: Clerical changes were made to some sections to update to current North Dakota (ND) format and correct errors; these changes may not all be specifically addressed below.

Cover: Format and dates were updated. For the location, the township designation was corrected.

Table of Contents: Condition 2 was redesignated "Miscellaneous Conditions" to support the addition of conditions other than restrictions. Page numbers were updated.

1. **Emission Unit Identification:** The EU WHITE3 compressor engine was deleted here and throughout the permit because it has been removed from service. Several existing insignificant sources were added to the permit (i.e.: heater treater, condensate tanks, condensate truck loading, methanol tanks, and blowdown). Fugitive emission sources subject to NSPS OOOO were added. The "main plant flare" was redesignated as the "acid gas/process/emergency flare." The \*\* note concerning emergency engine potential to emit was revised consistent with the current ND standard text.
2. **Miscellaneous Conditions:** This section was renamed to allow the incorporation of conditions other than restrictions. Text was added to Cond. 2.B to address EU Flare fuels, flaring during maintenance of the acid gas injection well, and TEG dehydration unit still vent off gas routing. Cond. 2.C was added to insert the standard ND like-kind engine replacement text.
3. **Standards:** Cond. 3.B was added to address the applicability of 40 CFR 60, Subpart OOOO to EU FUG5. Cond. 3.D text was revised as suggested by EPA Region 8 to clarify that ND has not adopted the area source provisions of Subpart OOOO.
4. **Emission Unit Limits:** The parameter of "work practices" was added to the table for the compressor engine (WHITE2) as specified in 40 CFR 63, Subpart ZZZZ. EU WHITE3 was deleted and the heater treater, NSPS OOOO fugitive emissions and the VOC combustor for the condensate tanks were added as previously discussed.

5. **Monitoring Requirements and Conditions:** EU WHITE3 was deleted and the heater treater, NSPS OOOO fugitive emissions and the VOC combustor for the condensate tanks were added as previously discussed.
6. **Recordkeeping Requirements:** EU WHITE3 was deleted and the heater treater, NSPS OOOO fugitive emissions and the VOC combustor for the condensate tanks were added as previously discussed.
7. **Reporting:** no change
8. **Facility Wide Operating Conditions:** Cond. 8.G.3 was revised to reflect the current ND standard text.
9. **General Conditions:** Cond. 9.H was revised to reflect the current ND standard text.
10. **State Enforceable Only Conditions (not Federally enforceable):** Cond. 10.B was revised to reflect the current ND standard text.

Comments/Recommendations: It is recommended that Renewal No. 4 to Title V Permit to Operate T5-O80001 be processed and considered for issue following a 30-day public comment period and a subsequent 45-day EPA review period.