



**North Dakota Division of Air Quality (NDAQ)
Title V Program Review**

Conducted by

**United States Environmental Protection Agency (USEPA)
Region 8**

July 2016

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**ATTACHMENT 1: TITLE V THIRD ROUND STATE PROGRAM REVIEW
QUESTIONNAIRE AND NDAQ RESPONSES**

**ATTACHMENT 2: STATE/LOCAL TITLE V PROGRAM FISCAL TRACKING
EVALUATION QUESTIONNAIRE AND NDAQ RESPONSES**

ATTACHMENT 3: FEE AUDIT SUPPORTING DOCUMENTS FROM NDAQ

ATTACHMENT 4: NDAQ/EPA TITLE V IMPLEMENTATION AGREEMENT

Executive Summary

In July 2016, the United States Environmental Protection Agency (EPA) conducted the third round review of the North Dakota Division of Air Quality's (NDAQ) Clean Air Act Title V operating permits program. This review consisted of a conference call with NDAQ as well as document review. The first round program review was conducted in fiscal year 2006. EPA issued the final report for the first round in September 2006. The second round program review was conducted in fiscal year 2009. EPA issued the final report for the second round in September 2009. The third round program review (like the previous reviews) consisted of a discussion of NDAQ's responses to the program evaluation questionnaire and fiscal tracking questionnaire.

The goal of the third round review was to review any concerns raised by NDAQ or EPA in the prior evaluation (second round), to determine how any unaddressed concerns might be addressed, to identify any good practices developed by NDAQ that may benefit other state and local Title V permitting authorities and EPA, document any areas needing improvement, and learn what assistance EPA can provide.

EPA Concerns from the Second Round Review:

EPA had five recommendations, all of which the NDAQ responded to satisfactorily. The NDAQ later informed EPA that it believes the implementation of these recommendations resulted in improvements to the Title V program. See "Followup to Second Round Review" below for details.

EPA Concerns from the Third Round Review:

EPA has no new concerns. The NDAQ's own concerns may be found in "Third Round Review's Findings and Comments" below. EPA has proposed responses to some of those concerns.

Conclusions

NDAQ has provided all of the necessary information to EPA during this review and has addressed issues raised by EPA. NDAQ's field experience and knowledge of air permitting has assisted EPA in understanding the challenges faced by the State. No deficiencies were noted during this review.

Introduction

EPA conducted this program review as part of its obligation to oversee and review state programs that have been approved by EPA, and in response to recommendations from an audit conducted in July 2002 by the Office of Inspector General.

The State of North Dakota operates a fully EPA approved program that allows it to implement the requirements of Title V of the Clean Air Act (CAA), including the issuance of operating permits. EPA has a statutory responsibility to oversee the programs it approved by performing oversight duties, including occasional program reviews. Such responsibilities include overseeing the activities of the State program to ensure that local, regional, and national environmental goals and objectives meet minimum requirements outlined by the federal regulation.

Objective of the Program Review

Following the completion of the first and second round reviews for states in Region 8, EPA nationally committed to a third round of reviews. While the questionnaire used for the first round review was developed by a “national workgroup” for national consistency, the second and third round review questionnaires were developed by the Regions to emphasize Regional priorities that were identified during the first round reviews.

Region 8 consulted with other Regions about the approach and format of the questionnaire and the extent of the follow-up review of state programs. Region 8 concluded that the follow-up reviews do not need to be as extensive as the first round reviews, but should build on the findings and recommendations of the first round review.

The main objectives of the third round reviews are to conduct a follow-up to the first and second round reviews by: 1) ensuring that areas of concern identified by EPA during the first and second rounds have been addressed or are being addressed satisfactorily; 2) ensuring that the NDAQ concerns have also been addressed or are being addressed to NDAQ’s satisfaction; 3) identifying and documenting additional good practices that can benefit other state and local Title V permitting authorities and EPA; 4) identifying and documenting any areas of concerns that need improvement; and 5) getting feedback on how EPA can be of service to the permitting authorities.

Program Review Process

As mentioned above, in July 2016, the EPA conducted the third round review of NDAQ’s Title V operating permits program, consisting of a conference call with NDAQ and document review. The final report for the first round review was issued in September 2006. The final report for the second round review was issued in September 2009.

The first round review was conducted in response to the 2002 Office of Inspector General audit recommendations that EPA: examine ways it can improve permitting authorities’ Title V operating permit programs and expedite the permit issuance rate; note and document good practices which other agencies can learn from; assess deficiencies in the program; and to learn how EPA can help the permitting authorities improve their overall program. In meeting these

goals, EPA developed a questionnaire that was sent to each permitting authority and followed up with on-site visits to conduct interviews and file reviews. The findings of the NDAQ Title V operating permit program's review were outlined in the September 2006 final report with the main categories as follows: a) programmatic areas where NDAQ has improved in the past five years; b) programmatic areas where improvements can be made; and c) programmatic areas where NDAQ needs additional assistance from EPA.

The second round review focused primarily on: 1) assessing and documenting NDAQ progress in areas where EPA had previously identified as areas needing improvements; 2) assessing permitting authorities' evaluation of EPA's effort in providing additional assistance to improve its Title V operating programs; 3) identifying continued improvements in the program's previously identified strong attributes; 4) identifying additional good practices by the NDAQ since the first round review and 5) conducting a Title V operating permit program fee audit.

The format of the third round review differs slightly from the first two rounds. EPA provided a standard Title V questionnaire (Attachment 1) and fiscal tracking questionnaire (Attachment 2) to NDAQ, as has been done in the previous two reviews, but with some revisions. Also, the third round review included a conference call rather than an on-site visit. The NDAQ commented that the process used for the third round review appears to have resulted in an evaluation that was just as thorough as the previous rounds, but was a more efficient use of NDAQ's and EPA's time.

As mentioned above, a separate questionnaire was provided by EPA to NDAQ for the Title V fee audit ("State/local Title V Program Fiscal Tracking Evaluation Document"). The purpose of the fee audit is to determine whether the following are satisfied:

- Sources are being billed in accordance with fee requirements and are paying the required fees;
- Division of expenses is identified by NDAQ between Title V and non-Title V programs;
- Features are integrated into NDAQ's accounting/financial management system which will identify Title V revenue and expenditures separate from other funding, and which certify the disposition of Title V funds;
- Title V fees collected from sources are used by NDAQ to pay for the entire Title V program; and
- No such fees are used as CAA Section 105 grant matching.

During the third round review, EPA found that NDAQ has satisfactorily addressed all the issues identified by EPA as needing improvement during the first two reviews. The issues are discussed in "Follow-up to Second Round Review" below.

Program Review Procedure

EPA sent the third round program review questionnaire and the Title V fiscal tracking questionnaire to NDAQ on March 16, 2016. NDAQ submitted an electronic copy of the completed questionnaires to EPA on March 24, 2016. EPA had a few followup questions, which were handled by informal phone calls and emails between EPA and NDAQ staff. All followup questions were answered. EPA then prepared a draft Title V program review report and emailed it to NDAQ on June 30, 2016 for review. NDAQ responded with comments on July 5, 2016. A conference call was held between EPA and NDAQ on July 12, 2016 to discuss the comments. EPA then made appropriate edits to the report to incorporate the comments. The final report was sent to NDAQ on July 14, 2016.

During the above-mentioned conference call, EPA explained that the main objectives of conducting on-going reviews of states' programs are twofold. First, EPA seeks to continue to effectively perform its regulatory oversight obligation under the Clean Air Act. Second, EPA hopes such periodic reviews will improve communication and the relationship between the agency and NDAQ and thus continue to improve the state's Title V operating program. EPA and NDAQ then discussed topics as listed in the program review and fiscal tracking questionnaires and draft third round program review report.

Follow-up to Second Round Review

1. EPA recommendation on Title V renewal application form: Add "...a requirement in the NDAQ's Renewal Application form for applicants to cross-reference the current title V permit, or other document(s), for identification of applicable requirements, compliance test methods, and other types of information required by rule to be addressed by the state's standard application form for title V permits."

NDAQ response: The Title V permit renewal application form (SFN52824) was revised to include the following requirements: "The current Title V permit will be the baseline reference for this renewal. The requirements (40 CFR 70.5(c) & NDAC 33-15-14-06.4.c) to include a citation and description of all applicable requirements and a description of or reference to any applicable test method for determining compliance with each applicable requirement may be met by accomplishing either or both of the following: 1) enclose an annotated (red-lined) copy of the current permit indicating all changes needed to reflect the current facility configuration, applicable requirements and test methods; 2) enclose a narrative that conveys all changes needed to the current permit to reflect the current facility configuration, all applicable requirements and test methods."

2. EPA recommendation on the annual compliance certification report: Add "...a definition in the NDAQ's annual compliance certification reporting form for intermittent compliance."

NDAQ response: The Annual Compliance Certification Report form (SFN52738) was revised to include the following: "Intermittent compliance means continuous compliance, except for the permit deviations and possible exceptions to compliance noted in the two Title V Semi-Annual Monitoring Report forms covering this period. (NDAC 33-15-14-06.5.c(5)(c)[3])."

3. EPA recommendation on annual compliance certification report: Add "...a requirement in permits, or in the annual compliance certification reporting form, to send a copy of annual compliance certification reports to EPA."

NDAQ response: Text was added to the bottom of the Annual Compliance Certification Report form directing the permittee to send the report to EPA at Air & Toxics Technical Enforcement Program (8ENF-AT) Office of Enforcement, Compliance & Environmental Justice, US EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129.

4. EPA recommendation on acid rain permits: Add "...a provision in permits for acid rain sources on re-opening for cause that is specific to Acid Rain Program."

NDAQ response: The following text was added to the Acid Rain Program section of affected Title V permits: "Reopening for Cause -- In addition to any reasons for reopening for cause previously stated in this permit, the Department will reopen and revise this permit as necessary to remedy deficiencies in the following circumstances: If additional requirements, including excess emissions requirements, become applicable to an affected source under Title IV of the Federal Clean Air Act or the regulations promulgated there under. Upon approval by the administrator of the United States Environmental Protection Agency, excess emissions offset plans shall be deemed to be incorporated into the permit. Applicable Requirements: NDAC 33-15-14-06.6.f(1)(b) and 40 CFR 0.7(f)(1)(ii)"

5. EPA recommendation on the Northern Sun Enderlin plant title V permit: Incorporate "...a condition from an underlying Permit-To-Construct into the title V permit for the Northern Sun (ADM) Enderlin plant."

NDAQ response: The following text was added to the Northern Sun Enderlin title V permit at Condition 7.B.14: Prevention of Significant Deterioration of Air Quality Emissions Monitoring, Reporting and Recordkeeping: The permittee shall comply with all applicable emissions monitoring, recordkeeping and reporting requirements of Special Condition II.A.2 of the Air Pollution Control Permit to Construct No. PTC07037 and 40 CFR 52.21(r)(6)(iii) and (v).

As mentioned earlier in this report, EPA has examined NDAQ's responses to EPA's concerns and recommendations from the second round review and concludes that NDAQ has satisfactorily addressed all of them.

Third Round Review's Findings and Comments

Procedural changes in Title V program. The third round program review questionnaire asked whether any procedures in the Title V program have changed (e.g., public participation, petitions, communication with EPA) since the second round program review. Below is NDAQ's response.

NDAQ response: Yes, several changes have been made to Title V procedures since the second round program review. NDAQ has stopped mailing EPA a hard copy of draft title V review documents; instead, those documents are emailed to EPA as Word or pdf files. Title V permit applications, which are often quite large files, are made available to EPA through a link provided to the web site posting. The public comment and notice web site also provides notice to the public of draft title V permits and presents the documents considered during the permit drafting process. In addition NDAQ web pages now provide the public with easy access to all air pollution control permits to construct and operate. Title V permit application forms have been revised to make it easier for applicants to provide permit writers with the information needed to draft permits. The applications are now formatted so they are able to be filled out online.

What the State believes it is doing especially well. The third round questionnaire also asked what the State think it is doing especially well in the Title V program. Below is NDAQ's response.

NDAQ response: We think we are doing a great job of providing the resources needed for the Title V program. Fees collected are sufficient to provide the resources needed to conduct the Title V program. We have enjoyed stability among the permit writers for the past decade allowing us to ensure trained and seasoned personnel implement the program. Permit issuance is timely with renewal permits being typically issued within a few weeks either side of the expiration date. We believe the public's opportunity for commenting on proposed permits has improved significantly since posting draft permits and related documents on the NDAQ web site.

Issues affecting the Title V program. The third round questionnaire also asked if there are any issues affecting the Title V program that the NDAQ considers particularly important. Below is NDAQ's response.

NDAQ response: Yes, there are several items that have begun to place additional demands on implementation of the Title V program and other factors that may have similar impacts in the future.

Most important issues. The third round questionnaire asked which issues the NDAQ would rate as the most important. Below is NDAQ's response.

NDAQ response: Title V permit applications from the oil fields are piling up as sites with multiple oil/gas wells exceed major source emission thresholds for potential to emit. Title V permit application requirements are not well suited to these facilities that may no longer be major sources by the time they could be issued Title V permits.

[EPA note: EPA has experienced this issue in Indian country in North Dakota. We looked into possibly developing a reservation-specific Part 71 general permit for oil and natural gas production sources after getting indication from operators on the Fort Berthold Indian Reservation that we should expect numerous applications to start coming in. However, thus far, the prediction has not come to pass and we have a manageable

enough load that upon issuance of the first such permit, we should be able to use the language as a template.

If NDAQ is interested in the latter approach, they could perhaps develop a checklist of application content for these types of sources that would make up a complete application and avoid cumbersome back and forth, then share it with operators so that applications they receive are more likely to be complete and the permitting process can be somewhat streamlined once some standard language is developed. Otherwise, they still have the Part 70 general permit option to explore..]

EPA policies or regulatory issues causing concern. The third round questionnaire also asked if there are any EPA policies or regulatory issues that are causing concern. Below is NDAQ's response.

NDAQ response: Yes, new EPA rules that are issued without providing the state with additional resources to implement them strain our ability to implement the Title V program in a quality way. The Title V program does not allow the state to opt out of accepting implementation responsibility for MACT rules that are often judged to require more resources to implement than the value of the benefits they provide. This situation can especially be a problem in small states with limited staff.

As rules are issued that are applicable to numerous emission units, like the RICE MACT, the labor required to permit those sources within the Title V program increases significantly, and implementation and enforcement requires much more investment. Even the threat of the Clean Power Plan has resulted in new Title V sources as the industry shifts away from coal and toward natural gas for electricity generation.

Rules that are and will soon be proposed, such as the NSPS for oil and natural gas to control methane, will also require significant additional resources to implement. It appears that there are no bounds on the number of rules that EPA will create. It appears to be of no concern to EPA administrators that each rule requires additional resources to implement and enforce -- resources that neither EPA nor the states have available to invest in rules that provide ever diminishing returns.

[EPA note: North Dakota has declined to adopt the NSPS discussed above (NSPS Subpart OOOO). North Dakota has also declined to adopt the area source provisions of MACT Subparts HH and ZZZZ. The NDAQ does, however, include these regulations in Title V permits, for sources where they are applicable, as required by 40 CFR 70.6(a)(1). For such situations, EPA and NDAQ have agreed to an arrangement in which the Title V permit notes that these regulations have not been adopted by the State and instructs the permittee to send compliance reports to the EPA Regional Office's compliance and enforcement group.]

What EPA can do to help. The third round questionnaire asks how EPA can help with these issues. Below is NDAQ's response.

NDAQ response: Recognition could be given to the fact that EPA's "one size fits all" approach when it comes to air quality rules is not appropriate for a nation that includes both Los Angeles and Bismarck, both the densely populated coasts and the sparsely peopled plains, both windless areas like California's central valley and windy regions like the northern plains. Different regions with different levels of air contaminants could benefit from flexibility in the application of the "one size fits all" rules if the use of resources is to be optimized.

[EPA note: If the NDAQ would like us to raise any State-specific or Region-specific issue to EPA Headquarters, we would be happy to do so.]

Permit issuance timeliness questions. The third round questionnaire asked the questions below about timeliness of permit issuance. These questions are followed by NDAQ's responses.

1. Since the second round program review, what percent of Title V initial permits have you issued within the regulatory timeframe specified in 40 CFR 70.7(a)(2)?

NDAQ response: From January 2010 through December 2015, 100% (3 of 3) of the initial Title V permits issued were issued within 18 months following receipt of a complete permit application.

2. Since the second round program review, what percent of Title V significant permit modifications have you issued within the regulatory timeframe specified in 40 CFR 70.7(a)(2) and (e)(4)(ii)?

NDAQ response: From January 2010 through December 2015, 89% (25 of 28) of the significant permit modifications issued were issued within 9 months following receipt of a complete permit application. The remaining 3 were issued within 18 months.

3. What percent of Title V permits expire before they can be renewed?

NDAQ response: From January 2010 through December 2015, 0% of the Title V permits expired before they could be renewed. Many of the permits were not renewed until after the expiration date on the permits; however, in every case the permittee had submitted a timely renewal application which allowed the terms and conditions of the permit to remain in effect until the renewal permit was issued.

[EPA note: To those who may not be very familiar with Part 70, the NDAQ's use of the words "expired" and "expiration date" may seem difficult to reconcile with each other; however, this usage merely reflects how those two words are used in Part 70. Under 40 CFR 70.4(b)(10), permitting authorities have two options for dealing with situations where a timely and complete application for permit renewal has been submitted, but the renewal permit has not been issued before the end of the term of the previous permit. The permitting authority can either: (i) provide that the permit shall not expire until the renewal permit has been issued or denied, or (ii) provide that all terms and conditions of the permit shall remain in effect until the renewal permit

has been issued or denied. EPA's preamble to Part 70 states that EPA believes the substantive effect of choosing one option or the other should be minimal at most.

The word "expiration" is presented in Part 70 in a somewhat different context. Under 40 CFR 70.7(c)(1)(ii), permit expiration terminates the source's right to operate, unless a timely and complete renewal application has been submitted.

In any event, there is no real issue here. Earlier in this report, NDAQ stated that renewal permits are typically issued within a few weeks either side of the expiration date. Also, NDAQ has stated that in every instance, a timely renewal application was submitted, enabling the terms and conditions of the permit to remain in effect until a renewal permit is issued.]

4. For those permits that could not be renewed before they expired, what are the reasons they could not be renewed prior to their expiration?

NDAQ response: N/A.

5. Have unresolved violations created any delay in issuing Title V renewals?

NDAQ response: No.

6. Have permittees requested a hold in renewal for any reason?

NDAQ response: No, but occasionally we will delay a renewal until we can inspect new source units constructed under a PTC or until we receive stack test results.

Based on these questions and responses, EPA finds no issues or concerns with timeliness of Title V permit issuance in North Dakota.

Permit reviews. EPA reviews a small percentage of NDAQ's Title V permits, during either the draft stage or the proposed stage. Since many of the permits are now undergoing the fourth renewal, EPA is quite familiar with them, having seen them multiple times already. Most of the changes to the permits are either to incorporate terms and conditions of recently issued NSR permits (called Permits to Construct) or to incorporate recently promulgated changes to NSPS or MACT regulations. Since the second round review in 2009, EPA has not found any issues or concerns with the permits that would warrant written comments to NDAQ.

NDAQ Organization and Staffing

All types of air quality permits, including Title V and New Source Review, are issued by the Permitting & Compliance Branch within the NDAQ. The air permitting staff work closely with the air compliance staff. The NDAQ is within the Environmental Health Section, which is within the Department of Health.

The current head of NDAQ's Title V permitting program is Lew Dendy. He is scheduled to retire on August 1, 2016. Kyla Schneider of the NDAQ will be taking his place and participated with

Mr. Dendy in this Title V program evaluation. Mr. Dendy is currently the primary Title V permit writer.

Training

As noted earlier in this report, NDAQ has enjoyed stability among the permit writers for the past decade, allowing the State to ensure trained and seasoned personnel implement the program. The NDAQ has not noted any training concerns or made any requests to EPA regarding training.

Fee Audit

EPA did not conduct a formal Title V operating permit fee audit during the first round review. A fee audit was conducted during the second round review. A fee audit questionnaire titled “Fiscal Tracking Evaluation Document” (unchanged from the first and second round) was submitted to the NDAQ during the third round to fill out, but no on-site fee audit was performed. NDAQ’s responses to the fee audit questions may be found as Attachment 2 to this report.

Supporting documents are included as Attachment 3. These documents consist of tables showing the amount of emission fees paid by individual Title V sources during 2010 through 2015, along with some examples of fee submittals. Although total fees have steadily declined over this period, NDAQ has assured EPA that the fees remain sufficient to run the program. (See answer to question #1 below.)

After the fee audit questionnaire was sent out by the Region to the NDAQ, EPA’s Office of Air Quality Planning & Standards (OAQPS) asked the Region to pose some additional fee-related questions, which are listed below, along with NDAQ’s responses.

1. The total of the fees collected for the last fiscal year and the total of costs for the fiscal year, so that they can be directly compared.

NDAQ response: The title V annual permit fees collected for ND fiscal year 2015 totaled: \$1,344,742.86. FY2015 ran from July 1, 2014 through June 30, 2015. The fees were collected during the months of July and August of 2014. The fees were sufficient to cover costs.

2. Any transfers of fee money out that may be used for non-title V purposes.

NDAQ response: No.

3. Computation of the presumptive minimum fee for the state for the last fiscal year, including the GHG cost adjustment, so that it can be compared to the fees collected.

NDAQ response: The minimum annual title V permit fee for the FY2015 billing cycle was \$604.43. This fee amount represents a 1.5% increase from the previous year’s fee. The annual increase is based on the average unadjusted Consumer Price Index for the 12-month period that ended August 31, 2013. ND does not consider GHG emissions in calculating title V permit fees.

[EPA note: At EPA's request, NDAQ further explained that when computing the annual air permit fee for North Dakota Title V sources, the fee is computed based on the cost per ton of billable pollutants emitted. If that fee amount is less than the minimum Title V fee set for the year, then the permittee is billed for the minimum fee. On the other hand, if the fee based on tons of pollutants emitted exceeds the minimum fee, then the permittee is billed for that amount. In other words, the annual Title V air permit fee billed is the higher of the pollutant-based fee or the minimum fee set for the year.]

EPA has examined NDAQ's responses to the fee audit questions and does not have any concerns.

Implementation Agreement

On September 11, 1995, EPA and NDAQ signed a Title V Implementation Agreement. A copy of the Agreement is included as Attachment 4 to this report. As stated in the Agreement, the purpose is to define policies, responsibilities and procedures by which the operating permits program will be administered by NDAQ and EPA. During this third round Title V program review, EPA verbally asked NDAQ if they desire any changes to the Agreement, or feel the need to discuss it as part of this review. The answer was no. The Agreement will continue unchanged.

Conclusion

In conclusion, NDAQ implements an effective Title V program that continues to evolve as challenges arise. NDAQ continues to communicate with EPA staff to address issues in proposed permits. The Title V fee review demonstrates NDAQ's ability to continue to operate a program that meets the fee requirements of Part 70. NDAQ has provided all of the necessary information to EPA during these reviews and has addressed issues raised by EPA. NDAQ's Title V program continues to meet the requirements of the Part 70 regulations. No deficiencies were noted during this review.

Title V Third Round State Program Review Questionnaire

(ND Responses in italics -- March 21, 2016)

I. General Questions and Responses to First and Second Round Program Reviews

A. What has been done in response to EPA recommendations for improvements from the second round program review?

1. EPA recommendation on Title V renewal application form: Add "...a requirement in the NDAQ's Renewal Application form for applicants to cross-reference the current title V permit, or other document(s), for identification of applicable requirements, compliance test methods, and other types of information required by rule to be addressed by the state's standard application form for title V permits."

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*Enforcement, Compliance & Environmental Justice, US EPA Region 8,
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- B. What key EPA comments on individual Title V permits remain unresolved (EPA to determine this)? What is the State's position on these unresolved comments?

Although EPA's second round file review included several comments on individual title V permits and offered suggestions for improvements, those permit changes were accomplished either during or shortly after the file review. NDAQ is not aware of any EPA comments on individual title V permits that remain unresolved.

Have any procedures in Title V changed (e.g., public participation, petitions, communication with EPA) since the second round program review?

1. If so, which ones?

Yes, several changes have been made to Title V procedures since the second round program review. NDAQ has stopped mailing EPA a hard copy of draft title V review documents; instead, those documents are emailed to EPA as Word or pdf files. Title V permit applications, which are often quite large files, are made available to EPA through a link provided to the web site posting. The public comment and notice web site also provides notice to the public of draft title V permits and presents the documents considered during the permit drafting process. In addition NDAQ web pages now provide the public with easy access to all air pollution control permits to construct and operate. Title V permit application forms have been revised to make it easier for applicants to provide permit writers with the information needed to draft permits. The applications are now formatted so they are able to be filled out online.

- C. What does the state think it's doing especially well in the Title V program?

We think we are doing a great job of providing the resources needed for the Title V program. Fees collected are sufficient to provide the resources needed to conduct the Title V program. We have enjoyed stability among the permit writers for the past decade allowing us to ensure trained and seasoned personnel implement the program. Permit issuance is timely with renewal permits being typically issued within a few weeks either side of the expiration date. We believe the public's opportunity for commenting on proposed permits has improved significantly since posting draft permits and related documents on the NDAQ web site.

- D. Are there any issues affecting the Title V program in your state right now that you consider particularly important?

Yes, there are several items that have begun to place additional demands on implementation of the Title V program and other factors that may have similar impacts in the future.

1. Which one would you rate as the most important?

Title V permit applications from the oil fields are piling up as sites with multiple oil/gas wells exceed major source emission thresholds for potential to emit. Title V permit application requirements are not well suited to these facilities that may no longer be major sources by the time they could be issued Title V permits.

2. Are there any EPA policies or regulatory issues that are causing concern?

Yes, new EPA rules that are issued without providing the state with additional resources to implement them strain our ability to implement the Title V program in a quality way. The Title V program does not allow the state to opt out of accepting implementation responsibility for MACT rules that are often judged to require more resources to implement than the value of the benefits they provide. This situation can especially be a problem in small states with limited staff.

As rules are issued that are applicable to numerous emission units, like the RICE MACT, the labor required to permit those sources within the Title V program increases significantly, and implementation and enforcement requires much more investment. Even the threat of the Clean Power Plan has resulted in new Title V sources as the industry shifts away from coal and toward natural gas for electricity generation.

Rules that are and will soon be proposed, such as the NSPS for oil and natural gas to control methane, will also require significant additional resources to implement. It appears that there are no bounds on the number of rules that EPA will create. It appears to be of no concern to EPA administrators that each rule requires additional resources to implement and enforce -- resources that neither EPA nor the states have available to invest in rules that provide ever diminishing returns.

3. How can EPA help?

Recognition could be given to the fact that EPA's "one size fits all" approach when it comes to air quality rules is not appropriate for a nation that includes both Los Angeles and Bismarck, both the densely populated coasts and the sparsely peopled plains, both windless areas like California's central valley and windy regions like the northern plains. Different regions with different levels of air contaminants could benefit from flexibility in the application of the "one size fits all" rules if the use of resources is to be optimized.

II. Permit Issuance

- A. Since the second round program review, what percent of Title V initial permits have you issued within the regulatory timeframe specified in 40 CFR 70.7(a)(2)?

From January 2010 through December 2015, 100% (3 of 3) of the initial Title V permits issued were issued within 18 months following receipt of a complete permit application.

- B. Since the second round program review, what percent of Title V significant permit modifications have you issued within the regulatory timeframe specified in 40 CFR 70.7(a)(2) and (e)(4)(ii)?

From January 2010 through December 2015, 89% (25 of 28) of the significant permit modifications issued were issued within 9 months following receipt of a complete permit application. The remaining 3 were issued within 18 months.

- C. What percent of Title V permits expire before they can be renewed?

From January 2010 through December 2015, 0% of the Title V permits expired before they could be renewed. Many of the permits were not renewed until after the expiration date on the permits; however, in every case the permittee had submitted a timely renewal application which allowed the terms and conditions of the permit to remain in effect until the renewal permit was issued.

1. For those permits that could not be renewed before they expired, what are the reasons they could not be renewed prior to their expiration?

N/A

- D. Have unresolved violations created any delay in issuing Title V renewals?

No

- E. Have permittees requested a hold in renewal for any reason?

No, but occasionally we will delay a renewal until we can inspect new source units constructed under a PTC or until we receive stack test results results.

- F. CAM

1. Are CAM plan requirements slowing the renewal process?

No

- a. If so, what is it about CAM that's problematic?

N/A

2. Where CAM plans have been inadequate, what have been the main types of inadequacies that have caused difficulties or delays in permit issuance?

CAM plans for ethanol plants do experience more frequent changes due to changes in the type or amount of scrubber additives used to reduce VOC emissions.

3. What difficulties have you had in getting better plans to be submitted?

There may be a delay involved waiting for stack test results to verify efficacy of the new chemical or feed rate.

4. Have you had to supplement the CAM technical guidance document (TGD) with state-issued guidance?

No

5. Is CAM training adequate?

Yes, however it will be beneficial for our staff member who will become the principal manager of our Title V program this summer to participate in a CAM training course.

6. Are CAM applicability determinations resource-intensive or difficult?

No, however there are more CAM-related discussions in recent years to determine whether recently-issued rules provide sufficient monitoring to allow discontinuance of existing CAM plans.

- G. What improvements does the State believe it has made to the management of the Title V permit program, since the second round program review, that could be described as best practices and could be of interest to other States?

Electronic document storage for Title V files began last year. Incoming Title V documents are received electronically or scanned and stored electronically. We still file paper copies as a secondary source, and we have yet to convert past documents to digital format, but as time passes and we gain confidence with the adequacy of the electronic document storage we plan to discontinue the paper files. The records retention policy has been revised to support this effort.

The Air Quality Permitting and Compliance website has been revised from the ground up to reflect a more customer oriented and user friendly approach. The website now makes all construction and operating permits available to the public. Also the Title V permit application forms and instructions were revised to streamline the applicants submission of forms.

- H. What improvements does the state plan to make, if any, in the management of the Title V permit program within the next five years?

A new Title V program manager will replace the retiring manager who has done the job for the past ten years. The new manager will bring fresh ideas to the program and will likely implement positive changes that will make a great program even better. The new manager has undergone an extensive mentoring program and we expect to continue with the success of our program.

We are also in the process of developing the tools needed to receive Title V reports and permit applications electronically. This capability will benefit our customers, the public, and provide efficiencies for our staff.

We will continue to improve and streamline the permitting process wherever practical.

1. Does the state have a set period of time for planning cycles?

Budgeting is done on a two year cycle commensurate with the biennial meetings of the state legislature.

III. Public Participation

- A. What forms of news media do you use to maximize public participation, for implementation of 40 CFR 70.7(h)?

Permit notices are provided via newspaper, three NDDoH websites, mail, and television if a local station elects to cover a public hearing.

1. How is the form of media chosen?

Publication in the county newspaper of record and on the websites is routine, as is mailing the notices to everyone who has requested to be on our mailing list. Public hearings are accomplished when there is sufficient public interest or controversy concerning the project.

2. How do you believe public participation should be improved?

It appears that web postings have become the most effective and efficient means of informing the public of permit notices. Publishing notices in county newspapers is quite expensive, especially considering the general decline in newspaper viewership in recent years. We support EPA's December 21, 2015 proposal to remove the mandatory requirement to provide public notice of a draft Title V permit through publication in a newspaper and instead allow for electronic noticing.

- B. Do you have a mailing list for Title V public participation for implementation of 40 CFR 70.7(h)(1)? If so, please provide it.

Yes, the mailing list is enclosed.

- C. Is there a policy which outlines the response to comments procedure or process, such as which comments are responded to, the time-frame for responding, how the permitting authority will respond, to whom, etc.?

Standard procedures are followed as outlined in NDAC 33-15-14-06.6.h(5) which requires the Department to keep a record of the commenters and also of the issues raised during the public participation process. These records shall be available to the public.

1. If written, can you provide a copy? If not written, could you describe the policy?

Though not a written policy, the standard routine followed upon receipt of a public comment is:

- to acknowledge receipt of the comments to the commenter;*
- to forward the comments to EPA/R8 and to the permit applicant;*
- to research the issues addressed by the comments;*
- to consider any information the permit applicant may provide on the matters addressed by the comments;*
- to provide a written response on each comment to the commenter, to EPA/R8 and to the permit applicant as soon as practicable;*
- to make any changes to the draft permit that may be warranted;*
- to consider whether additional time for public comment is needed prior to starting the EPA review period;*
- and to add the documents associated with the comments to the Title V source file.*

IV. Petitions

- A. Since the second round program review, to what extent have Title V petitions:

1. Changed how permits are written;

We have not been involved with any Title V petitions.

2. Resulted in re-openings of other permits;

N/A

3. Resulted in an amended permitting process, to address any issues settled through petitions granted in full or in part?

N/A

V. EPA Relationship

A. Is there any EPA policy, on Title V, that is causing problems or confusion?

NOTE: Answer may or may not be the same as I.E.2.

Yes, see the response to I.E.2.

B. Has the state developed any tools, strategies, or best practices that have assisted in the inclusion of MACT subparts in Title V permits?

Yes, we have found that it is best to initially include in the permit only a general condition requiring compliance with the new MACT rule. Recent MACT rules often have multiple emission limits and methods that can be used to show compliance. Including every potential limit and compliance method in the permit produces an unnecessarily complex permit that can be difficult to use. We delay including the rule details in the permit until the source knows just how they will comply. This approach yields the leanest possible permit with the best chance of being understood and applied by both the permittee and the implementing authority.

C. Is the issue of startup-shutdown-malfunction (SSM) emissions causing problems or confusion in Title V permit writing?

Yes, the inclusion or exclusion of SSM emissions does not appear to be consistently applied across the various rules and types of sources. This inconsistency makes applying the rules more time consuming, and it gives the appearance that the inconsistency may be the result of political influences rather than science-based.

Also, removing permit exemptions for SSM emissions has required emission limits to be permitted for these periods. Generating these SSM limits and conditions requires additional permitting activities and adds complexity to the permits and to compliance testing, recordkeeping and reporting.

1. Has the state developed any tools, strategies, or best practices that have alleviated problems or confusion if either exist?

No

D. Do you have any unaddressed training needs? What can EPA do to help?

Not in the area of Title V. Our upcoming Title V program manager attended advanced Title V training five years ago. If she wants a refresher, one is being held this May. If a CAM training class is planned for this summer or fall, she may want to attend that.

<p>Basic Questions for All Permitting Authorities</p>	<p>More Detailed Questions -- Factors to Support a Permitting Authority's Answer to the Basic Questions (Note: these are not all-inclusive, and some ideas will not apply in all cases)</p>	<p>Possible Resources Available</p>
<p>1. Title V Fee Revenue</p>		
<p>Can the Permitting Authority show that sources are being billed in accordance with its fee requirement(s), and that sources are paying fees as required?</p>	<p>Where are the fee collection authority and the fee rate(s) specified? Is the Permitting Authority including reference to these fee requirements in its Title V permits?</p> <p><i>NDCC 23-25-04.2 and NDAC 33-15-23-04. Yes, see ND T5 General Condition A.</i></p> <p>List the fee rate(s) formulae applicable for the time period being reviewed. (Include emission based fees, application fees, hourly processing fees, etc.)</p> <p><i>Fee Rates for 2015 Bills: Criteria Pollutants (except CO) - \$14.76/ton/yr. HAPs - \$30.74/ton/yr. 4,000 ton maximum (per regulated contaminant) used for billing purposes. No fee charged based on a pollutants status as a GHG. Boilers >250 MMBtu assessed separately. \$614.71 minimum. Fee rates adjusted annually based on August 12-month CPI.</i></p> <p>Does the Permitting Authority anticipate any significant changes to its fee structure?</p> <p><i>No, other than the annual CPI-based fee changes.</i></p> <p>What is the current status in States/locals with requirements to balance income & expenditures of the Title V program annually (i.e., must rebate any overage of fees, etc.)?</p> <p><i>No requirements.</i></p>	<p>Req's/Auth.: State/local Title V program legislation & regulations</p> <p>Permit ref's: Permits state has written/submitted to EPA</p> <p>Fee Rate(s): State/local Title V program submittal, and then verify w/ Permitting Authority that info is up-to-date</p> <p>Billing/Payments: Permitting Authority records. Emission data may be in AIRS. If some fees are hourly, there should be some direct labor tracking mechanism (see accounting system, below).</p>

1. Title V Fee Revenue - Continued		
	<p>Examine documentation of how the annual fees for sources are determined. Audit several sources' bills for accuracy.</p> <ul style="list-style-type: none"> • Are appropriate (actual or potential) emission records used for \$/ton based fees? How are the Permitting Authority and its sources determining actual emissions for fee purposes? <p><i>See attached Annual Emissions Inventory Report and fee spreadsheet. Actual emissions are based on CEM data, stack tests, emission factors, etc.</i></p> <ul style="list-style-type: none"> • Are records kept (and used) for any hourly based fees? <p><i>No hourly fees.</i></p> <ul style="list-style-type: none"> • Review similar documentation for other types of fee mechanisms. <p><i>No other fees.</i></p> <p>Billing...</p> <ul style="list-style-type: none"> • How is the Permitting Authority notifying sources of the fees owed and due dates for payment? <p><i>Sources are notified by letter. (see attached example).</i></p> <ul style="list-style-type: none"> • Discuss how incoming payments are recorded to the appropriate accounts (receivings tracking). <p><i>Checks for the fees are received by the Division of Air Quality. Each fee is logged in and then sent to the Administrative Services Section – Accounting Division – for deposit in the Title V operating fund.</i></p>	
1. Title V Fee Revenue - Continued		
	<p>Payments...</p> <ul style="list-style-type: none"> • Are the sources paying the total fees charged each year? <p><i>Yes (see attached summary for 2015).</i></p>	

	<ul style="list-style-type: none"> • Are they paying on time? <p><i>In a typical year, most (~98+ percent) pay on time. The remainder, usually different permittees each year, pay promptly after a telephone call and/or the second notice.</i></p> <ul style="list-style-type: none"> • If there's a collection problem, how is the Permitting Authority addressing it? <p><i>Telephone calls are made, and a second notice is sent if the permittee claims not to have received or to have lost the first notice.</i></p> <ul style="list-style-type: none"> • Are late fees being assessed? If so, are the late fees being credited to the Title V accounts? <p><i>No. We would consider establishing a late fee mechanism if a permittee becomes a chronic late-payer; however, that situation has not yet developed. Personal contact has always remedied the problem.</i></p>	
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2. Title V Expenditures

<p>Is the Permitting Authority identifying division of expenses between Title V and non-Title V programs?</p>	<p>What matrix is the Permitting Authority using to differentiate Title V activities from non-Title V activities?</p> <p><i>Time sheets, expense vouchers, mileage tracking forms, etc.</i></p> <p>Direct labor:</p> <ul style="list-style-type: none"> • If used by State/local program, review time sheets and instructions given to employees as to how to code information into the time sheet. If time sheets are not used, investigate method that State/local program uses to differentiate Title V and non-Title V direct labor. <p><i>Yes, travel vouchers and equipment requisitions specify the program code to be charged.</i></p>	<p>If used by State/local program, sample time sheets and instructions given to employees; equivalent records for alternate direct labor differentiation methods.</p> <p>Accounting system records showing that administrative/ clerical personnel costs are accounted for in the Title V program</p> <p>Accounting system records showing that non-labor costs</p>
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	<ul style="list-style-type: none"> • Ensure that accounting system is set up to utilize the various coding information. • Analyze time sheets/instructions (and/or other direct labor differentiation method) for conformance with the matrix of acceptable Title V activities 	<p>(travel, equipment, office space costs, etc.) are accounted for in some fashion and a portion is billed to Title V.</p> <p>EPA Guidance includes: “Matrix of Title V-Related and Air Grant-Eligible Activities, Information Document,” Office of Air & Radiation, May 31, 1994</p>
2. Title V Expenditures - Continued		
	<p>Direct non-labor:</p> <ul style="list-style-type: none"> • Does the Permitting Authority utilize an allocation system that separates travel and equipment costs for Title V and non-Title V functions? <p><i>Yes, travel vouchers and equipment requisitions specify the program code to be charged.</i></p> <ul style="list-style-type: none"> • If so, are the allocations in accordance with the Permitting Authority’s Title V/ non-Title V activity separation? <p><i>Yes</i></p> <ul style="list-style-type: none"> • If not, are these included as part of indirect costs? (Direct non-labor needs to be addressed somewhere.) <p>Indirect labor & non-labor:</p> <ul style="list-style-type: none"> • How are indirect labor & non-labor costs apportioned between Title V vs. non-Title V accounts? (Indirect costs include parts of secretarial & managerial overhead, paper & supplies, space, utilities, generalized computers, etc., that is not addressed as direct labor/non-labor) <p><i>Indirect costs are apportioned according to the amount of time spent in each area (i.e.: Title V or non-Title V).</i></p>	

3. Accounting System (i.e., the system that provides for analysis of the Title V program revenue and expenditure information gathered above)		
<p>Has the Permitting Authority integrated features into its accounting/financial management system which will:</p> <ul style="list-style-type: none"> • identify Title V fee revenues separate from other funding? • identify Title V expenditures separate from other expenses? • produce management reports, periodically and as requested, which the Permitting Authority will be able use to certify as to the disposition of Title V funds? 	<p>Describe the accounting structure that the Permitting Authority uses to differentiate Title V \$ from other funds. [i.e., govt. fund, enterprise fund, etc. -- for more detail on options, see the U of MD report.]</p> <p><i>Title V activities have been assigned a unique project number which is used to track the Title V fees collected and expended.</i></p> <p>Does the accounting system have separate categorization for Title V and non-Title V funding and expenses?</p> <p><i>Yes</i></p> <p>If yes, are these features being used to track Title V monies separate from non-Title V monies?</p> <p><i>Yes, separate account codes are assigned to Title V monies and non-Title V monies.</i></p> <p>If no, does the Permitting Authority keep any separate records that identify Title V monies separate from non-Title V monies? Could such information potentially be integrated into an accounting/financial management system?</p>	<p>Review sample reports/specific reports for the time period being reviewed.</p> <p>For background: <u>Overview of CLEAN AIR Title V Financial Management and Reporting, A Handbook for Financial Officers and Program Managers</u>, Environmental Finance Center, Maryland Sea Grant College, University of Maryland, 0112 Skinner Hall, College Park, MD 20742, January 1997, [Publication Number UM-SG-CEPP-97-02]</p>
4. Separation of Title V from §105 grant and grant match funding		
<p>Can the Permitting Authority confirm that the Title V fees collected from sources are used to pay for the entire Title V program, and that no Title V fees are used as match to the CAA section 105 Air Program grant?</p>	<p>Determine the federal §105 grant award received, and the amount of state/local funds used during the time period being reviewed.</p> <p>Determine the Title V fees collected (and Title V funds available, if carryover of Title V fees is allowed by state/local regulations) during the time period being reviewed.</p> <p>Determine Title V expenditures during the time period being reviewed.</p>	<p>Grant files -- FSR's for applicable years. (See appropriate EPA Region grant & project manager staff)</p> <p>Permitting Authority accounting system reports showing revenue and expenditure summaries for Title V, grant, and other activities</p>

	<p>Ensure that adequate non-Title V state/local funds were available to provide required match to the federal grant.</p> <p>Ensure that sufficient Title V funds were available to pay for the Title V program (i.e.--Title V program is self supporting)</p>	
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Company	Fee	Check Number	Date Rcd	Comment
ADM Processing	\$13,132.83	468754	7/23/15	
Alliance Pipeline, L.P.	\$4,765.98	7014007	8/31/15	
American Crystal Sugar Company	\$43,594.58	1351142	7/9/15	One check for T5 and minor
Basin Electric Power Cooperative	\$340,127.94	458617, 458716	7/20/15	458663, 458662 (Expect a check for each plant)
Big Dipper Enterprises, Inc.	\$614.71	12199957	7/20/15	Waste Management check paid with Jahner Sanitation Inc.
Blue Flint Ethanol, LLC	\$1,714.60	17308	7/16/15	
Cargill Corn Milling	\$5,842.20	106169443	8/3/15	Paid by Cargill Incorporated check
Cargill, Inc.	\$2,900.31	106169158	8/7/15	Electronic payment
Cavalier AFS	\$740.77	311050378	7/27/15	Paid by BAE Systems; 12 days late in 2014
CNH America LLC	\$948.04	4000318503	8/4/15	CNH Industrial check
Dakota Gasification Company	\$126,170.97	327241	7/31/15	
Enbridge Operating Services, L.L.C.	\$950.54	3074000124	7/14/15	
Grand Forks Air Force Base	\$614.71	91300285	7/24/15	Email rcpt to Gary Raknerud gary.raknerud@us.af.mil; 15 days late in 2014
Great River Energy	\$299,535.52	546921	8/7/15	GRE paid 1¢ more than we billed due to rounding
Guardian Hankinson, LLC	\$3,567.60	8302	7/27/15	
Healthcare Environmental Services, LLC	\$614.71	4266524	7/23/15	Paid by Sanford Medical Center Fargo
Hebron Brick Company	\$1,921.22	158549	8/26/15	
Hess North Dakota Pipelines LLC	\$2,312.86	55000511	7/20/15	1 check for T5 & minor
Hess Tioga Gas Plant LLC	\$22,900.97	51000382	7/20/15	
Hood Packaging Corporation	\$614.71	221268	7/20/15	
Jahner Sanitation, Inc.	\$614.71	12199957	7/20/15	Waste Management check paid with Big Dipper Ent.
J.R. Simplot	\$1,641.31	1455524	8/31/15	Simplot check
LM Wind Power Blades	\$5,085.91	59511	7/27/15	Late in 2011
Minn-Dak Farmers Cooperative	\$14,234.07	100072034	8/27/15	
Minnkota Power Cooperative, Inc.	\$144,270.01	662309	7/22/15	
Minot Air Force Base	\$614.71	1034	7/13/15	Email receipt to michael.getty@us.af.mil
Montana Dakota Utilities Company	\$69,884.15	181370	8/24/15	
Mor Tech Fab, Inc.	\$614.71	23143	7/30/15	
Nordic Fiberglass, Inc.	\$1,435.85	82155	8/24/15	
Northern Border Pipeline Company	\$7,850.82	1001213	7/28/15	
Northern Sun (Division of ADM)	\$7,969.55	468755	7/20/15	Paid by ADM
NuStar Pipeline Operating Partnership L.P.	\$614.71	60391901	7/27/15	
ONEOK Rockies Midstream, L.L.C.	\$14,284.27	1201340	7/27/15	
Otter Tail Power Company	\$122,682.47	776281	8/19/15	
Petro-Hunt, LLC	\$8,154.90	4021470	8/3/15	
Red Trail Energy, LLC	\$6,038.70	43894	7/10/15	
Targa Badlands LLC	\$885.55	609191	8/18/15	Minor & T5 paid with a single check
T&C Inc. dba Fiberglass Specialties	\$614.71	12977	7/27/15	Fiberglass Specialties check
Tesoro Refining and Marketing Company, LLC	\$23,387.23	1977038	8/4/15	
Tharaldson Ethanol Plant I, LLC	\$4,557.39	14578	8/14/15	
Trinity Containers, LLC	\$671.81	10851371	7/15/15	
WBI Energy Transmission, Inc.	\$767.58	351-0618942	7/20/15	

Total Title V: \$1,310,460.89

Company	Fee	Check Number	Date Rcd	Comment
ADM Processing	\$11,066.51	328681	7/16/14	
Alliance Pipeline, L.P.	\$4,899.79	7010033	7/29/14	
American Crystal Sugar Company	\$45,084.04	1328740	7/15/14	One check for T5 and minor
Basin Electric Power Cooperative	\$406,701.28	445188	7/25/14	Expect a check for each plant
Big Dipper Enterprises, Inc.	\$604.43	11692781	7/21/14	Waste Management check paid with Jahner Sanitation Inc.
Blue Flint Ethanol, LLC	\$1,726.09	14287	8/27/14	
Cargill Corn Milling	\$5,471.39	106031891	8/4/14	Paid by Cargill Incorporated check
Cargill, Inc.	\$2,472.42	106030120	7/31/14	
Cavalier AFS	\$604.43	311038445	9/12/14	Paid by BAE Systems; 12 days late in 2014
CNH America LLC	\$975.54	4000296188	7/21/14	CNH Industrial check
Dakota Gasification Company	\$126,981.66	315638	7/14/14	
Grand Forks Air Force Base	\$604.43	9130028-5	9/15/14	Email rcpt to Larry Olderbak lawrence.olderbak@us.af.mil; 15 days late in 2014
Great River Energy	\$282,154.76	528276	8/25/14	
Guardian Hankinson, LLC	\$3,590.51	2580	7/14/14	Paid by Murphy Oil USA, Inc. (Murphy sold it in 2014?)
Healthcare Environmental Services, LLC	\$604.43	4171333	7/21/14	Paid by Sanford Medical Center Fargo
Hebron Brick Company	\$1,803.49	148791	8/28/14	
Hess North Dakota Pipelines LLC	\$2,544.70	55000007	7/14/14	1 check for T5 & minor
Hess Tioga Gas Plant LLC	\$30,211.27	51000010	7/14/14	
Hood Packaging Corporation	\$640.76	204425	7/21/14	
J.R. Simplot	\$2,177.61	1382553	7/21/14	Simplot check
Jahner Sanitation, Inc.	\$604.43	11692781	7/21/14	Waste Management check paid with Big Dipper Ent.
LM Wind Power Blades	\$3,773.05	57642	8/28/14	Late in 2011
Minn-Dak Farmers Cooperative	\$12,818.49	100062546	9/2/14	
Minnkota Power Cooperative, Inc.	\$137,378.29	649703	7/21/14	
Minot Air Force Base	\$604.43	1023	7/15/14	Email receipt to michael.getty@us.af.mil
Montana Dakota Utilities Company	\$59,856.41	157529	7/14/14	
Mor Tech Fab, Inc.	\$604.43	27811	8/6/14	
Nordic Fiberglass, Inc.	\$1,093.48	79306	9/2/14	
Northern Border Pipeline Company	\$10,971.74	1000507	8/1/14	Email Ruth Jensen a pdf of the check (ruth_jensen@transcanada.com) (Not sure if she will need this email each year)
Northern Sun (Division of ADM)	\$5,930.44	331469	7/25/14	Paid by ADM
NuStar Pipeline Operating Partnership L.P.	\$1,076.53	60369567	7/28/14	
ONEOK Rockies Midstream, L.L.C.	\$10,334.89	1153779	7/28/14	
Offer Tail Power Company	\$120,469.28	759275	8/20/14	
Petro-Hunt, LLC	\$9,922.81	4001891	7/11/14	
Red Trail Energy, LLC	\$5,538.23	37984	7/11/14	
T&C Inc. dba Fiberglass Specialties	\$698.31	12319	7/21/14	Fiberglass Specialties check
Targa Badlands LLC	\$2,972.74	592404	8/28/14	
Tesoro Refining and Marketing Company, LLC	\$22,542.90	1947575	7/22/14	
Tharaldson Ethanol Plant I, LLC	\$4,201.02	12598	7/11/14	
Trinity Containers, LLC	\$604.43	10771886	7/14/14	
WBI Energy Transmission, Inc.	\$1,222.56	351-0618786	7/21/14	
Will-Rich LLC	\$604.43	168259	7/21/14	

Total Title V: \$1,344,742.86

Company	Fee	Check Number	Date Rcd	Comment
ADM Processing	\$11,584.51	181911	7/19/13	
Alliance Pipeline, L.P.	\$5,207.68	7006555	8/20/13	
American Crystal Sugar Company	\$40,675.12	1296280	7/5/13	One check for T5 and minor
Basin Electric Power Cooperative	\$435,592.72	431734 & 431735	7/24/13	Expect a check for each plant
Big Dipper Enterprises, Inc.	\$595.50	11139346	7/24/13	Paid with Jahner Sanitation Inc.
Blue Flint Ethanol, LLC	\$1,445.11	10280	7/17/13	
Cargill Corn Milling	\$5,393.28	105884268	8/26/13	Check dated 8/22/13
Cargill, Inc.	\$2,506.32	1058665655	7/19/13	
Cavalier AFS	\$1,362.07	311020784	8/19/13	Paid by BAE Systems
CNH America LLC	\$1,195.00	4000257990	7/8/13	
Dakota Gasification Company	\$176,237.41	305400	7/19/13	
Grand Forks Air Force Base	\$595.50	09130028-5	5/10/13	Email rpt to Larry Olderbak lawrence.olderbak@us.af.mil (pd early)
Great River Energy	\$291,366.63	508824	8/13/13	Bill reduced by \$25.75 on 7/9/13 due to correction of data entry error
Hankinson Renewable Energy, LLC	\$3,518.65	5068133	7/24/13	Paid by Murphy Oil USA, Inc. (bill dated 7/5/12)
Healthcare Environmental Services, LLC	\$595.50	4053575	7/17/13	Paid by Sanford Medical Center Fargo
Hebron Brick Company	\$1,786.71	138309	8/1/13	
Hess Corporation	\$33,901.99	1773755	7/25/13	Late in 2011; overnighted on 59th day in 2012; 1 check for T5 & minor
Hood Packaging Corporation	\$1,015.01	187530	7/26/13	
J.R. Simplot	\$1,773.45	1320539	8/26/13	2009 late; 2010 paid the last day; 2013 check dated 8/23/13
Jahner Sanitation, Inc.	\$595.50	11139346	7/24/13	Paid with Big Dipper Ent.
LM Wind Power Blades	\$5,453.52	55488	8/5/13	Late in 2011
Minn-Dak Farmers Cooperative	\$11,050.49	100045839	8/9/13	
Minnkota Power Cooperative, Inc.	\$146,314.95	635887	7/15/13	
Minot Air Force Base	\$595.50	1012	2/4/13	Email receipt to michael.getty@us.af.mil (paid early due to sequester)
Montana Dakota Utilities Company	\$58,997.84	135161	7/30/13	
Mor Tech Fab, Inc.	\$595.50	26237	7/11/13	
Nordic Fiberglass, Inc.	\$1,206.08	76181	7/22/13	
Northern Border Pipeline Company	\$10,558.12	14270	7/17/13	
Northern Sun (Division of ADM)	\$6,094.72	191687	8/6/13	Paid by ADM
NuStar Pipeline Operating Partnership L.P.	\$1,016.56	60343067	7/12/13	
ONEOK Rockies Midstream, L.L.C.	\$9,631.37	1127323	7/22/13	
Otter Tail Power Company	\$117,626.50	741481	8/21/13	
Petro-Hunt, LLC	\$5,101.10	4227751	7/8/13	
Red Trail Energy, LLC	\$6,603.30	31660	8/16/13	
T&C Inc. dba Fiberglass Specialties	\$759.39	11736	7/12/13	
Tesororo Refining and Marketing Company, LLC	\$22,500.74	1905829	7/29/13	
Tharaldson Ethanol Plant I, LLC	\$5,036.63	11062	7/19/13	
Trinity Containers, LLC	\$688.91	10706760	7/15/13	
WBI Energy Transmission, Inc.	\$1,191.00	351-0618622	7/22/13	
Wil-Rich LLC	\$595.50	162679	7/5/13	

Total Title V: \$1,428,561.38

Company	Fee	Check Number	Received Date	Comment
ADM Corn Processing	\$4,877.32	40102	7/30/12	
ADM Processing	\$931.90	39621	8/29/12	
Alliance Pipeline, L.P.	\$5,163.51	7002699	8/13/12	
American Crystal Sugar Company	\$37,345.14	1265865	7/16/12	One check for T5 and minor
Basin Electric Power Cooperative	\$420,260.06	418520 & 418521	8/7/12	Expect a check for each plant; fee increased 0.01 per BEPC (Erin) call
Big Dipper Enterprises, Inc.	\$585.55	10586626	7/30/12	Paid with Jahner Sanitation Inc.
Cargill Corn Milling	\$5,214.45	105717045	8/6/12	
Cargill, Inc.	\$2,328.84	105712093	7/26/12	
Cavalier AFS	\$2,374.37	311002199	8/20/12	Paid by BAE Systems
CNH America LLC	\$1,224.69	217442	7/23/12	
Continental Resources, Inc.	\$1,790.78	68921	8/31/12	
Dakota Gasification Company	\$169,868.27	295076	7/26/12	
DMI Industries	\$3,319.63	523180	7/27/12	
Grand Forks Air Force Base	\$585.55	electronic transfer	8/7/12	Email receipt to Larry Olderbak lawrence.olderbak@us.af.mil
Great River Energy	\$287,698.20	485490	8/13/12	
Hankinson Renewable Energy, LLC	\$3,148.99	5063029	7/20/12	Paid by Murphy Oil USA, Inc. (bill dated 7/5/12)
Healthcare Environmental Services, LLC	\$585.55	3144081	7/30/12	Paid by Sanford Medical Center Fargo
Hebron Brick Company	\$2,020.91	129674	8/30/12	
Hess Corporation	\$29,003.00	1760516	8/30/12	Late in 2011; overnighted on 59th day in 2012
Hood Packaging Corporation	\$1,058.72	169630	7/20/12	
J.R. Simplot	\$2,075.19	1232118	7/23/12	
Jahner Sanitation, Inc.	\$585.55	10586626	7/30/12	Paid with Big Dipper Ent.
LM Wind Power Blades	\$3,829.21	52919	8/24/12	Late in 2011
Minn-Dak Farmers Cooperative	\$12,622.92	100029121	8/24/12	
Minnkota Power Cooperative, Inc.	\$202,300.28	621966	7/23/12	
Minot Air Force Base	\$585.55	1008	7/12/12	Email receipt to michael.getty@us.af.mil
Montana Dakota Utilities Company	\$62,400.01	110973	8/1/12	
Mor Tech Fab, Inc.	\$585.55	24845	8/27/12	
Nordic Fiberglass, Inc.	\$967.28	73765	8/13/12	
Northern Border Pipeline Company	\$8,211.59	13203	7/30/12	
Northern Sun (Division of ADM)	\$9,194.67	38263	7/27/12	Paid by ADM
NuStar Pipeline Operating Partnership L.P.	\$1,051.52	60312114	8/3/12	
ONEOK Rockies Midstream, L.L.C.	\$6,461.79	1051986	7/23/12	One check for T5 and minor
Otter Tail Power Company	\$116,643.27	724753	8/30/12	Bill revised and reissued 7/10/12 (increased \$9.99); due 9/8/12
Petro-Hunt, LLC	\$4,671.86	4207792	7/23/12	
Red Trail Energy, LLC	\$6,662.95	26407	7/18/12	
T&C Inc. dba Fiberglass Specialties	\$585.55	11095	7/27/12	
Tesororo Refining and Marketing Company	\$24,965.18	1865417	8/6/12	
Tharaldson Ethanol Plant I, LLC	\$3,740.11	9482	7/31/12	
Williston Basin Interstate Pipeline Comp.	\$1,171.10	14735	7/19/12	
Wil-Rich LLC	\$585.55	156717	7/16/12	

Total Title V: \$1,449,282.11

Last year's comments in blue italics

Company	Fee	Date Rec'd	Check #	Comment
ADM Corn Processing	\$4,900.05	8/8/2011	885429	
ADM Processing	\$27,403.57	8/10/2011	3/22/4324	
Alliance Pipeline, L.P.	\$4,269.78	8/24/2011	4009828	
American Crystal Sugar Company	\$40,256.44	7/20/2011	1237749	Check includes minor fee
Basin Electric Power Cooperative	\$422,960.91	9/1/2011	see right	<i>Expect a check for each plant: 406459 & 406460</i>
Bear Paw Energy, LLC	\$6,243.84	7/25/2011	142564	Paid with one check for both minor and major fees
Big Dipper Enterprises, Inc.Landfill	\$564.11	7/29/2011	9834660	Paid with Jahner Sani. Inc.
Cargill Corn Milling	\$5,163.62	9/6/2011	105544299	
Cargill, Inc.	\$3,269.84	7/27/2011	105522646	
Cavalier AFS	\$1,295.71	8/29/2011	150999	Paid by BAE Systems
CNH America LLC (billed \$987.61)	\$987.00	8/1/2011	4000179724	Check was for \$987.00, 61 cents less than the bill; cautioned CNH
Continental Resources, Inc.	\$2,283.48	8/11/2011	37239	
Dakota Gasification Company	\$162,263.15	8/1/2011	285265	
DML Industries	\$2,567.02	7/25/2011	517397	
Grand Forks Air Force Base	\$564.11	8/1/2011	1021	Email receipt to Linda.Fugelstad@grandforks.af.mil
Great River Energy	\$289,522.49	9/12/2011	465325	Fee lowered \$17.62 per discussion with Deb Nelson (cap & oil)
Hebron Brick Company	\$1,717.57	8/30/2011	120133	
Hess Corporation	\$31,074.30	9/14/2011	1741698	Late ; emailed Rory Nelson; check 1 week late(1 check for T5 & minor)
Hood Packaging Corporation	\$1,162.59	7/25/2011	152121	
Idahoan Foods, LLC	\$564.11	7/18/2011	41991	
J.R. Simplot	\$1,964.68	7/22/2011	1149043	
Jahner Sanitation, Inc.	\$564.11	7/29/2011	9834660	<i>2009 late; 2010 paid the last day; 2011 paid 6 wks before deadline</i>
LM Wind Power Blades	\$5,903.90	9/19/2011	50184	Paid with Big Dipper Ent.
Minn-Dak Farmers Cooperative	\$13,861.65	7/19/2011	100008625	Late ; emailed Dana Paulson 9/12/11; check will be sent
Minnkota Power Cooperative, Inc.	\$221,707.44	7/28/2011	607828	
Minot Air Force Base	\$564.11	7/18/2011	1028	
Montana Dakota Utilities Company	\$57,066.16	8/8/2011	86591	<i>underreported 266 tons SO2, Unit 1</i>
Mor Tech Fab, Inc.	\$564.11	8/24/2011	23275	
Nordic Fiberglass, Inc.	\$834.00	9/6/2011	71078	
Northern Border Pipeline Company	\$8,418.99	7/29/2011	11498	
Northern Sun (Division of ADM)	\$11,257.08	7/19/2011	874359	Paid by ADM
NuStar Pipeline Operating Partnership L.P.	\$1,754.01	8/30/2011	60275739	
OtterTail Power Company	\$112,397.04	9/2/2011	698640	
Petro-Hunt, LLC	\$3,186.28	7/19/2011	4186236	
Red Trail Energy, LLC	\$5,975.06	8/2/2011	21868	
Sanford Medical Center- Fargo	\$1,336.93	8/2/2011	3045752	Now Healthcare Env. Services / Paid by Sanford Medical Center Fargo
Tesoro Refining and Marketing Company	\$26,374.86	8/8/2011	1824078	
Tharaldson Ethanol Plant I, LLC	\$4,387.55	8/24/2011	8011	
Whiting Oil and Gas Corporation	\$564.11	7/27/2011	310099820	Check includes minor fee
Williston Basin Interstate Pipeline Company	\$1,799.91	8/12/2011	351-616735	
Wil-Rich LLC	\$564.11	7/15/2011	150759	
Total Title V:	\$1,490,079.78			

Company	Fee (\$)	Date Rec'd	Check #	Comments
ADM Corn Processing	6,544.82	7/29/2010	707689	
ADM Processing	12,463.40	8/4/2010	712525	
Alliance Pipeline	4,278.47	8/9/2010	4006611	
American Crystal Sugar Comp.	40,224.37	7/22/2010	1206216	Check includes minor fee
Basin Electric Power Coop.	429,225.95	8/2/2010	392579/392580	A check for each plant
Bear Paw Energy, L.L.C.	8,680.66	7/20/2010	829465	
Big Dipper Enterprises	557.97	7/28/2010	9006466	Paid with Jahner Sani. Inc.
Cargill Corn Milling	5,246.76	8/9/2010	105314787	Paid with Cargill Malt
Cargill Inc	2,658.18	7/29/2010	105307358	
Cavalier AFS (late in 2008)	1,061.31	8/2/2010	111089	Paid by BAE Systems
CNH America	830.85	7/23/2010	xxx	Credit card
Continental Resources	1,500.60	7/28/2010	16869	
Dakota Gasification Co.	115,898.57	8/10/2010	275380	
DMI Industries	2,415.01	8/16/2010	511734	
Grand Forks AFB	557.97	7/30/2010	1013	email rpt to Linda.Fuglestad@grandforks.af.mil
Great River Energy	292,826.81	8/23/2010	443866	
Health Care Env. Serv. Inc.	1,625.66	8/2/2010	37593	
Hebron Brick Company	1,799.21	8/31/2010	111208	
Hess Corporation	29,869.38	8/16/2010	1722231	
Hood Packaging Corporation	1,299.26	8/4/2010	134486	
Idahoan Foods, LLC	557.97	8/30/2010	34294	
Jahner Sanitation, Inc.	909.86	7/28/2010	9006466	Paid with Big Dipper Ent.
J.R. Simplot	2,039.09	9/13/2010	1076066	2009 late;2010 pd the last day
Kaneb Pipe Line O.P., L.P.	1,888.06	8/13/2010	60239299	
LM Wind Power Blades	5,914.31	7/30/2010	45650	
Minn-Dak Farmers Coop.	12,651.95	8/26/2010	88977	
Minkota Power Cooperative	217,757.04	8/12/2010	594394	
Minot AFB	557.97	7/15/2010	xxx	Credit card
	61,663.22	8/12/2010	58130	
Montana Dakota Utilities Co.	3,564.40	9/27/2010	62149	underreported 266 tons SO2, Unit 1
Mor Tech Fab, Inc.	557.97	9/14/2010	21915	2009 late;2010 rec'd 1 day late
Nordic Fiberglass, Inc.	746.76	9/7/2010	68252	
Northern Border Pipeline Co.	3,787.37	8/10/2010	9244	
Northern Sun, ADM	11,091.04	8/6/2010	714400	Paid by ADM
Otter Tail Power Company	110,555.01	9/3/2010	680854	
Petro-Hunt, LLC	5,403.68	7/26/2010	4168315	
Red Trail Energy, LLC	17,715.82	7/16/2010	16236	
Tesoro Refining and Marketing	31,442.68	8/9/2010	1777378	
Tharaldson Ethanol Plant 1, LLC	2,849.49	9/8/2010	5709	
Whiting Oil & Gas Corporation	557.97	8/10/2010	3100873155	Check includes minor fee
Williston Basin Interstate PC	1,559.98	8/6/2010	VISA158/159	
Wil-Rich LLC	557.97	7/23/2010	145715	

Total Title V: 1,453,894.82

Examples

**BASIN ELECTRIC
POWER COOPERATIVE**

1717 EAST INTERSTATE AVENUE
BISMARCK, NORTH DAKOTA 58503-0564
PHONE: 701-223-0441
FAX: 701-557-5336



July 17, 2015

Mr. Terry O'Clair
ND Health Department
918 East Divide Avenue, 2nd Floor
Bismarck, ND 58501-1947



Dear Mr. O'Clair:

Enclosed is the 2014 annual air pollution Permit to Operation fees for the Leland Olds Station.

If you have any questions, please contact me.

Sincerely,

Erin Fox Dukart
Environmental Compliance Coordinator

Enclosures

cc: Casey Mutzenberger



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



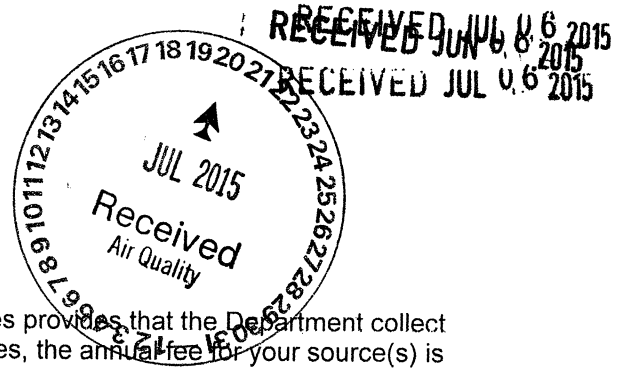
July 1, 2015

Ms Erin Fox Dukart
Environmental Analyst
Basin Electric Power Cooperative
1717 East Interstate Avenue
Bismarck ND 58503-0564

Re: Air Pollution Permit to Operate Fees

Dear Ms Erin Fox Dukart:

Chapter 33-15-23 of the North Dakota Air Pollution Control Rules provides that the Department collect annual air pollution Permit to Operate fees. Based on these rules, the annual fee for your source(s) is shown below.



<u>Facility Name</u>	<u>PTO</u>	<u>Fee</u>
Leland Olds Station	T5F73004	\$107,766.88
Antelope Valley Station	T5F86003	\$231,131.63
Pioneer Generating Station	T5F15001	\$614.71
Lonesome Creek Generating Station	T5F15004	\$614.71
Total Due:		\$340,127.94

Please submit one copy of this letter with a check payable to the North Dakota Department of Health in the amount shown above within 60 days of the date of this notice. Payments should be sent to this office at the above address.

If you have any questions concerning fees, please contact Lew Dendy of my staff at (701)328-5188.

Sincerely,

Terry L. O'Clair, P.E.
Director
Division of Air Quality
TLO/LHD:saj
Enc:

AEIR Permit Fee Calculator

Criteria Fee per Ton = \$14.76

HAPS Fee per Ton = \$30.74

Minimum Title V Fee = \$614.71

Year = 2015

Owner = Basin Electric Power Cooperative

Thursday, June 25, 2015

Company: Basin Electric Power Cooperative
PTO #: T5F73004

Facility: Leland Olds Station

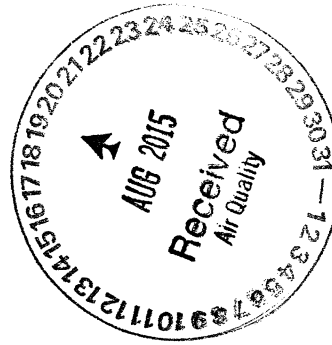
		PM-10	SO2	NOX	VOC	HAPS
M1-M16 - Rotocloners, Baghouses, Silos	Tons	32.3	0	0	0	0
	\$	\$476.75	\$0.00	\$0.00	\$0.00	\$0.00
Unit 1 - Babcock and Wilcox Boiler	Tons	62.5	412.1	1396.2	26.7	8.88
	\$	\$922.50	\$6,082.60	\$20,607.91	\$394.09	\$272.97
Unit 2 - Babcock and Wilcox Boiler	Tons	164.7	1025	4000	118.3	21.6
	\$	\$2,430.97	\$15,129.00	\$59,040.00	\$1,746.11	\$663.98
Subtotal:		\$3,830.22	\$21,211.60	\$79,647.91	\$2,140.20	\$936.96
			Facility Total:	\$107,766.88		

Company: Basin Electric Power Cooperative
PTO #: T5F86003

Facility: Antelope Valley Station

		PM-10	SO2	NOX	VOC	HAPS
M1-M15 - Dust Collectors, Day Tanks, Lime	Tons	27.6	0	0	0	0
	\$	\$407.38	\$0.00	\$0.00	\$0.00	\$0.00
Unit 1 - Combustion Engineering Boiler	Tons	131.7	4000	3127.4	46.6	23.5
	\$	\$1,943.89	\$59,040.00	\$46,160.42	\$687.82	\$722.39
Unit 2 - Combustion Engineering Boiler	Tons	171.4	4000	4000	51.7	25.92
	\$	\$2,529.86	\$59,040.00	\$59,040.00	\$763.09	\$796.78
Subtotal:		\$4,881.13	\$118,080.00	\$105,200.42	\$1,450.91	\$1,519.17
			Facility Total:	\$231,131.63		

215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com



August 17, 2015

Mr. Terry L. O'Clair, P.E.
Director, Division of Air Quality
North Dakota Department of Health
Environmental Health Section
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947

Dear Mr. O'Clair,

Subject: OTTER TAIL POWER COMPANY
COYOTE STATION
ANNUAL AIR POLLUTION PERMIT TO OPERATE FEES
PERMIT NO. T5-F84011

Enclosed is a check in the amount of \$122,682.47 for the Coyote Station annual air pollution permit to operate fee based on emissions from calendar year 2014.

If you need to contact me, I can be reached at 218.739.8349 or email me at pvukonich@otpco.com.

Sincerely,

A handwritten signature in cursive script that reads 'Paul Vukonich'.

Paul Vukonich
Senior Compliance Specialist
Environmental Services

Enclosure

MS 7/6/15



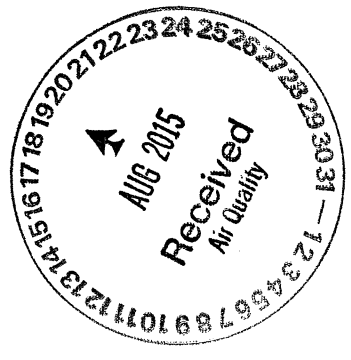
NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



July 1, 2015

Mr Mark Thoma
Manager, Environmental Services
Otter Tail Power Company
P.O. Box 496
Fergus Falls MN 56538-0496



Re: Air Pollution Permit to Operate Fees

Dear Mr Mark Thoma:

Chapter 33-15-23 of the North Dakota Air Pollution Control Rules provides that the Department collect annual air pollution Permit to Operate fees. Based on these rules, the annual fee for your source(s) is shown below.

<u>Facility Name</u>	<u>PTO</u>	<u>Fee</u>
Coyote Station	T5F84011	\$122,682.47
	Total Due:	\$122,682.47

Please submit one copy of this letter with a check payable to the North Dakota Department of Health in the amount shown above within 60 days of the date of this notice. Payments should be sent to this office at the above address.

If you have any questions concerning fees, please contact Lew Dendy of my staff at (701)328-5188.

Sincerely,

Terry L. O'Clair, P.E.
Director
Division of Air Quality
TLO/LHD:saj
Enc:

AEIR Permit Fee Calculator

Criteria Fee per Ton = \$14.76
 HAPS Fee per Ton = \$30.74
 Minimum Title V Fee = \$614.71
 Year = 2015

Owner = Otter Tail Power Company

Monday, March 21, 2016

Company: Otter Tail Power Company Facility: Jamestown Peaking Plant

PTO #: F76003

	PM-10	SO2	NOx	VOC	HAPS
6A - General Electric Turbine (37,550 bhp) w Tons	0.1	0.01	2.7	0	0
\$	\$1.48	\$0.15	\$39.85	\$0.00	\$0.00
6B - General Electric Turbine (37,550 bhp) w Tons	0.1	0.01	3.8	0	0
\$	\$1.48	\$0.15	\$56.09	\$0.00	\$0.00
Subtotal:	\$2.95	\$0.30	\$95.94	\$0.00	\$0.00
Facility Total:	\$300.00				

Company: Otter Tail Power Company Facility: Coyote Station

PTO #: T5F84011

	PM-10	SO2	NOx	VOC	HAPS
1 - Unit 1 Boiler	183.5	4000	4000	78.7	6.3
Tons	\$2,708.46	\$59,040.00	\$59,040.00	\$1,161.61	\$193.66
\$					
2 - Auxiliary Boiler	0.2	0	2.2	0	0
Tons	\$2.95	\$0.00	\$32.47	\$0.00	\$0.00
\$					
4 - Waukesha Diesel 1440 Hp Generator	0	0	0.2	0	0
Tons	\$0.00	\$0.00	\$2.95	\$0.00	\$0.00
\$					
5 - Cummins Diesel 225 Hp Fire Pump	0	0	0.1	0	0
Tons	\$0.00	\$0.00	\$1.48	\$0.00	\$0.00
\$					
M2M8 - Miscellaneous	33.8	0	0	0	0
Tons	\$498.89	\$0.00	\$0.00	\$0.00	\$0.00
\$					
Subtotal:	\$3,210.30	\$59,040.00	\$59,076.90	\$1,161.61	\$193.66
Facility Total:	\$122,682.47				

Number of Records 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

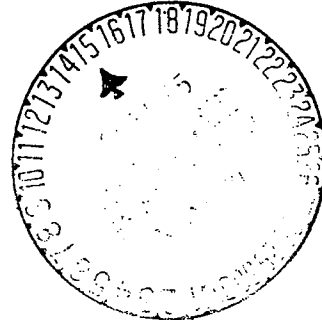
REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

SEP 11 1995

Ref: 8ART-AP

Dana Mount, Director
Department of Health
Environmental Engineering Division
1200 Missouri Avenue, Room 304
Bismarck, North Dakota 58502-5520



Dear Mr. ~~Mount~~: *DANA*

Enclosed is the signed original Implementation Agreement (IA) between the North Dakota Department of Health (NDDH) and the U. S. Environmental Protection Agency (EPA), Region VIII, for the Title V Operating Permits Program. An original IA is also being retained in Region VIII.

Many thanks to you and your staff for a job well done. If you have any questions or comments, please contact me or have a member of your staff contact Pat Reisbeck of the Air Programs staff at (303) 293-1761.

Sincerely,

Douglas M. Skie, Chief
Air Programs Branch
Air, Radiation and Toxics Division

Enclosure

cc: Tom Bachman, NDDH



FILE COPY

**IMPLEMENTATION AGREEMENT BETWEEN
THE NORTH DAKOTA DEPARTMENT OF HEALTH
AND
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII**

AIR QUALITY OPERATING PERMITS PROGRAM

I. GENERAL

- A. This implementation agreement (IA) defines policies, responsibilities, and procedures, pursuant to Part 70 of Chapter I of Title 40 of the Code of Federal Regulations (Part 70), by which the operating permits program will be administrated by both the North Dakota Department of Health (Department) and the Environmental Protection Agency (EPA). Such agreement will be maintained consistent with the Clean Air Act (Act) and other existing regulations, notably the State Implementation Plan (SIP) and corresponding regulations promulgated in the Code of Federal Regulations (CFRs). The provisions of this IA include strategies and priorities for all aspects of operating permit issuance, compliance monitoring, and enforcement.
- B. This agreement is entered into by the Director of the Division of Environmental Engineering of the North Dakota Department of Health (hereinafter "Department") and the Chief of the Air Programs Branch, EPA Region VIII (hereinafter "EPA"). The geographic area covered by this IA is the entire State of North Dakota over which the Department, as the permitting authority, has received Part 70 program approval.
- C. Nothing in this IA shall be constructed to restrict in any way EPA's authority to fulfill its oversight and enforcement responsibilities under the Act.
- D. This IA shall become effective upon signature by both parties. This IA may be modified only after mutual consent of both parties for any purpose. Any revisions or modifications to this IA must be in writing and must be signed by the Department and EPA.
- E. This IA will be reviewed and revised when new applicable requirements are to be implemented by the Department (e.g., Compliance Assurance Monitoring Program, new Section 112 requirements, revised Part 70 regulations, etc.).

II. POLICY STATEMENT

- A. Each party is responsible for ensuring that its obligations under Part 70 and Title V of the Act are met. Each party agrees to maintain a high level of communication, cooperation, and coordination between their respective staffs to assure successful and effective administration of the operating permits program.

III. PROGRAM IMPLEMENTATION

- A. Both the Department and EPA will maintain and share a list of contact persons involved with implementation of the permits program.
- B. The Department and EPA agree to participate in conference calls, as needed, to discuss program implementation and specific issues which need resolution. Either party may request conference calls/meetings to review operating procedures, resolve problems, or discuss concerns regarding program implementation.
- C. The Department and EPA each agree to notify the other as early as possible of any significant problems either party anticipates with any permit or permit application such as anticipated public controversy, complex equivalency or trading provisions, etc.
- D. The Department agrees to do the following:
 - 1. Maintain and update required data elements in the Aerometric Information Retrieval System (AIRS) Facility Subsystem (AFS) for all Title V sources.
 - 2. Maintain an adequate public file, accessible for EPA audit, for each permittee. The file must include the permit application, the issued permit, a record of the public notice procedures the permit has undergone, a record of the commenters and the issues raised during the public participation process, monitoring reports, inspection reports, compliance certifications, enforcement actions, revisions to permits and applications for revisions, and other pertinent information.

3. Notify EPA if the schedule for issuing permits during the first 3 years of the program is expected to be delayed and what steps will be taken to minimize such a delay.
4. The Department will maintain, and provide to EPA, if requested, an accounting system demonstrating how revenue from required permit fees was collected and spent by the Department and demonstrating that the fee structure is adequate. Or, if the fee structure is not adequate, the Department will submit to the EPA a package to modify the permit fee system, as appropriate, to ensure that it covers all reasonable direct and indirect costs of administering the program as the costs change over time.
5. Maintain adequate resources (fee revenue equal to or exceeding Title V costs) for effective implementation and enforcement of the Title V program.
6. Maintain an enforcement program consistent with the current EPA/State Enforcement Agreement.
7. Ensure that the permit information system is compatible with the national operating permit system.
8. Maintain the compliance subset of AFS in AIRS.
9. Provide EPA with copies of any new or updated permit application forms, model permit forms, or reporting forms within 30 days prior to mailing to sources.
10. Adopt applicable new regulations and standards (e.g. NESHAPs, NSPS, Sections 112(e), 112(g), and 111(d) in accordance with required timeframes.

E. The EPA agrees to do the following:

1. Provide technical support and assistance and training opportunities as available for interpretation of national regulations, development of technology-based requirements, automated transmission of permit data to EPA in an AIRS-AFS compatible format, general technical assistance in determining appropriate permit conditions and processing permits, and other areas as requested by the Department.

2. Communicate to the Department when additional legal, technical and financial resources may be necessary to implement new section 112 requirements as they become applicable.
3. Work with the Department in making case-by-case MACT determinations under sections 112(g) or (j), including providing to the Department the use of centralized EPA data bases and exploring with the Department the possible use of general permits to establish a presumptive MACT for certain qualifying source categories.
4. Assist the Department by making available model permits and model general permits developed by EPA and other states.
5. Cooperate with the Department by allowing appropriate flexibility when determining the most effective and expeditious means of implementing EPA policies and guidance.
6. Review and incorporate into the approved program after notice in the Federal Register and opportunity for comment, where appropriate, any approvable changes the Department makes and submits as program modifications. Provide timely input where the Department provides such an opportunity.
7. Specify to the Department the minimum federal data elements that are necessary for EPA to execute its program oversight and monitoring requirements.
8. Maintain a list, and consult with the Department in its development, of minor source categories or types of permit applications for which EPA waives the right to review under section 70.8(a)(2).
9. Maintain a list, and consult with the Department in its development, of source categories for which a summary checklist may be submitted to EPA in lieu of a permit application.
10. Provide comments or objections to proposed permits in an expeditious manner, but no later than 45 days from receipt of the proposed permit with all necessary supporting information.

- a. Include with any objection a statement of the reasons for the objection and the actions that should be taken by the Department to resolve the basis for the objection.
 - b. Send a copy of its written comments to the permit applicant.
 - c. Issue or deny the permit if the Department fails to submit a revised permit for review within 90 days after receipt of an objection.
- 11. Provide assistance on permit provisions necessary to eliminate SIP "gaps" or ambiguities.
 - 12. Review the permits program by examining the files and documents of the Department for selected facilities to determine whether permits are processed, issued, reopened, revised, renewed, and enforced in a manner consistent with Federal requirements. Program reviews will be conducted on an as needed basis.
 - 13. Whenever EPA determines that the Department is not adequately administering or enforcing the program, EPA will notify the Department in writing as soon as possible of the determination and the reasons for it. EPA will then work with the Department to determine the process and timeframe for correcting the program deficiencies in an expeditious manner.
- F. The Department and EPA agree to discuss appropriate pollution prevention activities which can be implemented through the permits program and encourage sources to adopt such pollution prevention measures, if applicable.

IV. REPORTING AND TRANSMITTAL OF INFORMATION

- A. The Department agrees to submit to EPA the following information, including computer-readable files to the extent practicable:

<u>Description</u>	<u>Frequency</u>
Basic tracking information based on the permit application.	Prior to the public comment period.

Copies of all permit applications and proposed permits except those for which EPA has waived review.

Prior to start of EPA 45-day review Period.

Copies of all permit applications and public notices for which EPA has waived review.

Upon request.

Copies of summary forms of permit applications.

As developed.

Copies of all final permits and all settlements and decisions in permit appeals.

As issued.

Copy of public comments on a permit.

With proposed permit.

Copies of all compliance inspection reports, report forms, data, and transmittal letters to major permittees or a summary thereof if agreed to by EPA.

Within 60 days of inspection or consistent with Enforcement Agreement.

Source-specific information in AIRS-AFS regarding enforcement of the program, including inspections, monitoring reports, compliance certifications, violations, and the resolution of violations.

Quarterly or consistent with Enforcement Agreement.

Any other data elements in AIRS-AFS that EPA specifies is necessary to execute its oversight and monitoring requirements.

As specified by EPA.

B. The EPA agrees to submit the following to the Department:

<u>Description</u>	<u>Frequency</u>
A list of compliance inspections EPA intends to conduct jointly with the Department as part of its Overview Plan.	Annually or consistent with Enforcement Agreement.

Proposed revisions to the schedule
Of compliance inspections.

As needed.

Copies of all EPA compliance in-
spection reports and data.

Within 60 days of
inspection or con-
sistent with En-
forcement Agreement.

Copies of all transmittal letters
under sections 113 or 114 by EPA.

Concurrent with
mailing letter or
consistent with
Enforcement Agreement.

EPA will review a percentage of
proposed permits using a priority
scheme which reflects new types
of sources being permitted and con-
troversial permits. For those permits
reviewed, EPA will respond to the
Department within the required
frequency only if changes or adverse
comments are necessary.

Within 45 days or
consistent with En-
forcement Agreement.

EPA will inform the Department of
citizens petitions which have been
filed with EPA within the 60-day
appeal period.

Within 5 working
days of Region 8
receiving notifica-
tion of the petition.

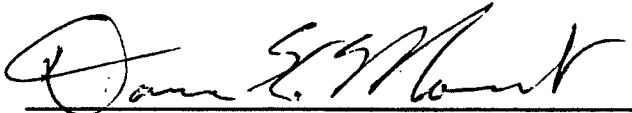
C. The Department and EPA agree to the following procedures with
respect to confidentiality of information:

1. Any information obtained or used in the administration
of the program shall be available to the Department or
EPA upon request without restriction. If the
information has been submitted to the Department under
a claim of confidentiality, the Department must submit
the claim to EPA when providing the information.
2. If any information is submitted to the Department under
a claim of confidentiality and the Department's statutes
prohibits submitting that information to EPA, the
Department will require the information to be submitted
by the source directly to EPA.


3. Any information obtained from the Department or from a source and subject to a claim of confidentiality will be treated by EPA in accordance with the regulations in 40 CFR Part 2.

V. SIGNATURES

STATE OF NORTH DAKOTA

By:  Date: 9/8/95
Dana K. Mount, P.E.
Director, Div. of Env. Engineering
Environmental Health Section
North Dakota Department of Health

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION VIII

By:  Date: 9-11-95
Douglas M. Skie, Chief
Air Programs Branch
Air, Radiation & Toxics Division