

CROWLEY FLECK PLLP

Wade C. Mann
400 East Broadway, Suite 600
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
wmann@crowleyfleck.com

June 5, 2012

RECEIVED

JUN 05 2012

PUBLIC SERVICE COMMISSION

via hand delivery

Mr. Darrell Nitschke
Executive Director
North Dakota Public
Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Nitschke:

In re: Enbridge Pipelines (North Dakota) LLC
Berthold Station Expansion Project
Docket No. PU-11-232
Our File No. 31-411-005

Enclosed herewith for filing are the original and ten copies of Air Pollution Control Permit to Construct for the Berthold Station Expansion Project.

Please feel free to call should you have any questions.

Very truly yours,



WADE C. MANN

bw
Enc.

42 **PU-11-232** Filed: 6/5/2012 Pages: 9
Air pollution control permit to construct

BILLINGS BISMARCK BOZEMAN HELENA KALISPELL

Enbridge Pipelines (North Dakota) LLC
Wade Mann, Crowley Fleck, PLLP



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



May 16, 2012

Ms. Rhonda O'Leary
Enbridge Pipelines (North Dakota), LLC
1320 Grand Ave.
Superior, WI 54880

Re: Air Pollution Control
Permit to Construct

Dear Ms. O'Leary:

Pursuant to the Air Pollution Control Rules of the State of North Dakota, the Department of Health has completed final review of your application to obtain a Permit to Construct for the Berthold Expansion Project.

Based on the results of the documents reviewed, this Department hereby issues the enclosed North Dakota Air Pollution Control Permit to Construct No. PTC12032.

Please advise the Department within 15 days after completing the project to allow for an inspection by the Department.

Note that the above-referenced permit addresses only air quality requirements applicable to your facility. Other divisions (Water Quality, Waste Management and Municipal Facilities) within the Environmental Health Section may have additional requirements. Contact information for the various divisions is listed at the bottom of this letter.

If you have any questions regarding air quality, please contact me at (701)328-5188.

Sincerely,

Craig D. Thorstenson
Environmental Engineer
Division of Air Quality

CDT:saj
Enc:

Environmental Health
Section Chief's Office
701.328.5150

Division of
Air Quality
701.328.5188

Division of
Municipal Facilities
701.328.5211

Division of
Waste Management
701.328.5166

Division of
Water Quality
701.328.5210



**AIR POLLUTION CONTROL
PERMIT TO CONSTRUCT**

Pursuant to Chapter 23-25 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota (Article 33-15 of the North Dakota Administrative Code), and in reliance on statements and representations heretofore made by the owner designated below, a Permit to Construct is hereby issued authorizing such owner to construct and initially operate the source unit(s) at the location designated below. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Health and to any conditions specified below:

I. General Information:

- A. **Permit to Construct Number:** PTC12032
- B. **Source:**
 - 1. **Name:** Enbridge Pipeline (North Dakota), LLC
Berthold Station
 - 2. **Location:** Sec. 20, T156N, R86W, Ward County, North Dakota
 - 3. **Source Type:** Crude Oil Terminal
 - 4. **Equipment at the Facility:**

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Existing:			
One 80,000-barrel (3,360,000 gallon) crude oil storage tank (1996) (Subpart Kb)	9800	1	External Floating Roof
One 64,000-barrel (2,688,000 gallon) crude oil storage tank (2011) (Subpart Kb)	9801	2	External Floating Roof
One 64,000-barrel (2,688,000 gallon) crude oil storage tank (2011) (Subpart Kb)	9802	3	External Floating Roof
New:			
Two 150,000-barrel (6,300,000 gallon) crude oil storage tanks (2012) (Subpart Kb)	9803 & 9804	4 & 5	External Floating Roof

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Three 400-barrel (16,800 gallon) vertical fixed roof crude oil storage tanks (2012)	T-1600, T-1610 & T-1620	6, 7 & 8	Submerged Fill Pipe
Crude oil rail loading	P01	9	Vapor Combustor Unit (VCU)
One diesel fuel-fired fire pump engine rated at approximately 245 hp	FP01	10	None
Piping components (fugitive emissions)	F01	N/A	None

C. Owner/Operator (Permit Applicant):

1. Name: Enbridge Pipeline (North Dakota), LLC
2. Address: 1320 Grand Avenue
Superior, WI 54880
3. Application Date: April 11, 2012

II. Conditions: This Permit to Construct allows the construction and initial operation of the above-mentioned new or modified equipment at the source. The source may be operated under this Permit to Construct until a Permit to Operate is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the North Dakota Department of Health and to the conditions specified below.

A. Emission Limits: Emission limits from the operation of the major source unit(s) identified in Item I.B of this Permit to Construct (hereafter referred to as "permit") are as follows. Minor source units not listed are subject to the applicable emission limits specified in the North Dakota Air Pollution Control Rules.

Emission Unit Description	EU	EP	Pollutant/Parameter	Emission Limit
Crude oil rail loading	P01	9	Opacity	20% (40%*)
			VOC	6.40 lb/hr (3-hr avg.)***
Fire pump engine**	FP01	10	Opacity	20% (40%*)

* Permissible for not more than one six-minute period per hour.

** The engine is also subject to the applicable emission limits established by 40 CFR 60, Subpart IIII and 40 CFR 63, Subpart ZZZZ.

*** VOC emissions are after control by the vapor combustor.

B. New Source Performance Standards (NSPS) for Storage Tank(s): The owner/operator shall operate the floating roof storage tanks (EU 9800, 9801, 9802, 9803 and 9804) in accordance with the following applicable requirement(s):

- 40 CFR Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction or Modification Commenced after July 23, 1984, as incorporated by reference into NDAC Chapter 33-15-12.
- C. **40 CFR 60, Subpart IIII:** The owner/operator shall comply with all applicable requirements of 40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.
- D. **40 CFR 63, Subpart ZZZZ:** The owner/operator shall comply with all applicable requirements of 40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines. For this subpart, EPA Region 8, not the North Dakota Department of Health, is the implementing and enforcement authority. All required documentation must be submitted to EPA Region 8 at the following address:
- U.S. EPA Region 8
1595 Wynkoop Street
Mail Code 8ENF – AT
Denver, CO 80202-1129
- E. **Requirements for Control of VOC Emissions:**
1. The vapor combustors must be equipped and operated with an automatic ignitor or a continuous burning pilot which must be maintained in good working order as outlined in NDAC 33-15-07-02.
 2. The presence of a flame shall be monitored using a thermocouple, UV flame scanners or any other equivalent device approved by the Department.
 3. The loading of crude oil at the facility shall only be made into railcars or trucks equipped with vapor collection equipment that is compatible with the vapor collection system.
 4. The vapor collection system shall be connected during each loading.
- F. **Storage Tanks:** All tanks shall be equipped with a submerged fill pipe in accordance with NDAC 33-15-07-01.3.
- G. **Emissions Testing:**
1. **Initial Testing:** Within 180 days after initial startup, the permittee shall conduct emissions tests to determine emissions from emission point 9. Emissions testing shall be conducted for the pollutant(s) listed below in accordance with EPA Reference Methods listed in 40 CFR 60, Appendix A.

Test methods other than those listed below may be used upon approval by the Department.

Emission Unit Description	EP	Pollutant/ Parameter
Crude oil rail loading	9	VOC

A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the owner/operator shall follow the procedures and formats in the Department's Emission Testing Guideline.

2. Notification: The permittee shall notify the Department using the form in the Emission Testing Guideline, or its equivalent, at least 30 calendar days in advance of any tests of emissions of air contaminants required by the Department. If the permittee is unable to conduct the performance test on the scheduled date, the permittee shall notify the Department at least five days prior to the scheduled test date and coordinate a new test date with the Department.
3. Sampling Ports/Access: Sampling ports shall be provided downstream of all emission control devices and in a flue, conduit, duct, stack or chimney arranged to conduct emissions to the ambient air.

The ports shall be located to allow for reliable sampling and shall be adequate for test methods applicable to the facility. Safe sampling platforms and safe access to the platforms shall be provided. Plans and specifications showing the size and location of the ports, platform and utilities shall be submitted to the Department for review and approval.

4. Other Testing:
 - a) The Department may require the permittee to have tests conducted to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission of a contaminant not addressed by the permit applicant is occurring, or the emission of a contaminant in excess of that allowed by this permit is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department may observe the testing. All tests shall be conducted by reputable, qualified personnel. A signed copy of the test results shall be furnished to the Department within 60 days of the test date.

All tests shall be made and the results calculated in accordance with test procedures approved by the Department. All tests shall be

made under the direction of persons qualified by training or experience in the field of air pollution control as approved by the Department.

- b) The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department, the permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants.
- H. **Odor Restrictions:** The owner/operator shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33-15-16.
- The owner/operator may not discharge into the ambient air hydrogen sulfide (H₂S) in concentrations that would be objectionable on land owned or leased by the complainant or in areas normally accessed by the general public. For the purpose of complaint resolution, two samples with concentrations greater than 0.05 parts per million (50 parts per billion) sampled at least 15 minutes apart within a two-hour period and measured in accordance with Section 33-15-16-04 constitute a violation.
- I. **Organic Compounds Emissions:** The facility shall comply with the applicable requirements of NDAC 33-15-07, Control of Organic Compounds Emissions.
- J. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33-15-17.
- K. **Sampling and Testing:** The Department may require the owner/operator to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing methods to be used. A signed copy of the test results shall be furnished to the Department within 60 days of the test date. The basis for this condition is NDAC 33-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the owner/operator shall follow the procedures and formats in the Department's Emission Testing Guideline.
- L. **Annual Emission Inventory/Annual Production Reports:** The owner/operator shall submit an annual emission inventory report or an annual production report, upon request, on forms supplied or approved by the Department.
- M. **Source Operations:** Operations at the installation shall be in accordance with statements, representations, procedures, and supporting data contained in the initial application, and any supplemental information or renewal application(s) submitted

thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.

- N. **Alterations, Modifications or Changes:** Any alteration, repairing, expansion or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant, must be reviewed and approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.
- O. **Recordkeeping:** The owner/operator shall maintain any compliance monitoring records required by the permit or applicable requirements. The owner/operator shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by this permit.
- P. **Air Pollution from Internal Combustion Engines:** The permittee shall comply with all applicable requirements of NDAC 33-15-08-01 – Internal Combustion Engine Emissions Restricted.
- Q. **Malfunction Notification:** The owner/operator shall notify the Department as soon as possible during normal working hours of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Immediate notification to the Department is required for any malfunction that would threaten health or welfare, or pose an imminent danger.
- R. **Operation of Air Pollution Control Equipment:** The owner/operator shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
- S. **Nuisance or Danger:** This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.
- T. **Permit Renewal and Invalidation:** This permit shall be effective from the date of its issuance until the date specified in Item 5 unless sooner suspended, revoked or surrendered. Upon suspension or revocation, the permit shall be returned to the Department. Application for renewal of this permit shall be submitted ninety days prior to such expiration date. The Department shall approve or disapprove the renewal of the permit within ninety days of receipt of the renewal application.
- U. **Change of Ownership:** This permit may not be transferred without prior approval from the Department.

- V. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota State Department of Health and Consolidated Laboratories may enter and inspect any property, premise or place at which the source listed in Item 3 of this permit is located at any time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.
- W. **Other Regulations:** The owner/operator of the source unit(s) described in Item 6 of this permit shall comply with all State and Federal environmental laws and rules. In addition, the owner/operator shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules, and regulations.
- X. **Permit Issuance:** This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. The conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23-25. Each and every condition of this permit is a material part thereof, and is not severable.

FOR THE NORTH DAKOTA
DEPARTMENT OF HEALTH

Date 5/16/12

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