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**To:** [Hamre, John G.](#)  
**Subject:** Filing Accepted for Case: 08-2018-CV-02937; Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3293204  
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## Filing Accepted

Envelope Number: 3293204

Case Number: 08-2018-CV-02937

Case Style: Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al.



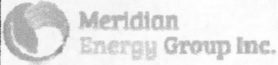

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<b>Date/Time Submitted</b>	1/31/2019 6:58 PM CST
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		<b>COMPANY CODE:</b> TBD	
		<b>ISSUE:</b> 1 <b>DATE:</b> 03/29/17	
		<b>SHEET:</b> 4 <b>OF</b> 24	

## 1.2. Methodology

While BACT analysis is not specifically required for the proposed Davis Refinery since it qualifies as a minor synthetic source, the methods used for emissions control technology selection have generally followed a BACT analysis approach.

EPA's 1990 Draft Edition of the New Source Review Workshop Manual (NSR Manual) sets forth a standardized procedure for determining BACT. This is the method used by most permitting agencies in the U.S. for compliance analysis. This method is considered to be a "top-down" approach and consists of the following five steps:

1. Identify all control technologies
2. Eliminate technically infeasible options
3. Rank remaining control technologies by control effectiveness
4. Evaluate most effective controls and document results
5. Select BACT

BACT is based primarily on control effectiveness. If a technology providing lesser control is to be utilized, it must be demonstrated that, based on energy, environmental and economic impacts and other costs, it is the best choice.

As previously noted, since formal BACT analysis is not required due to the facility qualifying as a synthetic minor source, analysis for technical feasibility was only cursorily conducted by review of the U.S. EPA RACT/MACT/LAER Clearinghouse database as well as applicable permits from other facilities. In addition, coordination with equipment vendors and suppliers was undertaken for many of the emissions units to obtain project and emissions unit specific guarantees for proposed emissions rates. Analysis of energy, environment and economic impacts was not conducted for the proposed controls since in essentially all instances, the higher level of control available was the one selected.

Permit for Davis Refinery

SEH report to Billings County

Comments	Permit Status	Last Update
Lease property to industrial use - with conditions	Approved by Billings County 7/6/2016.	7/29/2016
SEP for approved conditional use as a refinery.	Approved by Billings County 7/6/2016.	7/29/2016
Building permits to meet County requirements.	The buildings are being defined and design to follow.	
For use of County roads for construction, as well as the agreement for the upgrade and maintenance of 132 Ave, 17th St, and 132 1/2 Ave.	Discussions with the County Highway Supt on the requirements of the road use agreement are underway. The draft agreement is expected to be forwarded to other County staff for review this Fall/Winter.	7/27/2017
Construction within a County ROW.	To follow the approved Haul Road Agreement.	
Application for a pipeline.	Will apply as needed. The pipeline related to the refinery have not been defined yet.	
Need control plan already submitted to County.	Weed control plan submitted. Plan will be followed as construction starts. The property currently in ag production. Site development will include NDSU advice of vegetation use and management practices.	7/27/2017
To obtain an address.	Will be requested after final entrance locations defined (37th St or 132 1/2 Ave).	
This permit will include federally enforceable emission limits for sources of air emissions.	The Meridian Team is actively working with the NDDH in the review of the permit to construct application. The discussions with the NDDH over the past few months have proceeded well. We are hopeful for a draft permit soon. The draft permit will initiate a public comment period.	7/27/2017
This permit sets operational and emission limits, monitoring, record-keeping, and reporting requirements for sources of air emissions.	This permit will follow completion of construction and verification the emissions control devices included in the permit to construct are working as expected.	
Requires yearly reporting of hazardous and toxic chemicals stored on site.	The chemicals to be used on site will be determined during the design process.	
Required for the use of water from Dakota Formation to be treated in reverse osmosis plant for use as plant makeup water.	The State Engineer's office has issued a Recommended Decision for the water appropriation request from Meridian. The recommendation is to allow use of water from at least 4000 ft. below the surface with some conditions on volume, well construction, and water measurement. Public comments are being accepted by the State Engineer until August 9, 2017. After which, the need for an additional hearing will be evaluated.	7/27/2017
Temporary permit for water use during construction.	Will obtain prior to construction.	
For discharge of stormwater.	The stormwater systems are currently under design, will apply for permit when they are completed.	4/26/2017
Required as part of the stormwater discharge permits.	Will be completed prior to plant being placed in operation.	
Required for construction.	Will be obtained prior to construction.	
Required for on-site hydrostatic testing of equipment during construction	Will be completed prior to equipment hydrostatic testing.	

Permit to Construct

Unit Number	Original Unit	Current Unit	Main change
117	Isomerization Unit	N/A	Eliminated.
118	Alkylation Unit	N/A	Eliminated.
120 & 122	SRU & Thermal Oxidizer	SRU & Thermal Oxidizer	Increased SRU capacity from 10.2 to 11.2 LTPD. No changes to thermal oxidizer.
125	Kerosene Hydrotreater	N/A	Eliminated.
202	Boilers	Boilers	Decreased overall total steam generation capacity from 180 MMBTU of medium pressure steam to 114 MMBTU of combined medium/high pressure steam.
203	Tank Farm	Tank Farm	Reduction of on-site storage capacity which resulted in elimination of 7 feedstock, intermediates and finished product storage tanks.
206	Wastewater Treatment Plant	Wastewater Treatment Plant	Increased design capacity from 140 gpm to 180 gpm.
207	Flare System	Flare System	No changes.
208	Truck Loading-Unloading System	Truck Loading-Unloading System	Increased capacity to handle about half of the full refinery's production. Balance via future pipelines.
	Rail Loading-Unloading System	<u>Rail Loading-Unloading System</u>	<u>Eliminated.</u>
212	Firewater Pumps	Firewater Pumps	No changes
215	Cooling Towers	Cooling Towers	Increased capacity from 3-1,500 gpm cooling tower cells to 5-2,500 gpm cooling tower cells.
216	Emergency Power Generator (EPS) System	Emergency Power Generator (EPS) System	No changes
FUGITIVE	Process equipment leaks in VOC and Natural Gas service	Process equipment leaks in VOC and Natural Gas service	Adjusted to units in current process scheme.

Comments received from Jim Arthaud, May 3, 2016:

Via Email

Here are my thoughts for today.

After spending a good part of yesterday with the zoning director, zoning board president, county road superintendent and myself doing a thorough examination of Meridian's refinery application I would recommend to table the application for the following reasons:

- A. 5.5.5.b. Roads and sections lines under the current configuration do not comply with current county setbacks. A reconfigured plan has not been resubmitted showing compliance.
- B. Zoning condition on their approval of application under 6.15.1 - Requested more documentation on amount, source and availability of water. (Nothing has been submitted to answer these questions).
- C. 6.15.1 Sewer service. I believe the county needs to see an engineered design to show how sewer will be handled in compliance with health dept.
- D. 6.15.1(3) I believe emergency plan needs to be more refined then it is working in conjunction with our emergency manger to move this along.
- E. 6.15.1 Has BNSF been contacted and crossing issue addressed? Nothing has been resubmitted to show how this can be resolved.
- F. 6.15.2(1) Stormwater: I believe county needs to see a engineered design that will be submitted to agency in charge.
- G. 6.15.2(2) would like to see the plan to screen the development from the surrounding areas.
- H. Last but not least, I believe the county must find a common ground on bonding of this project in conjunction with Meridian. I believe that we need a two phase bonding – a construction and an operating bond.

Now with all of that being said I have read and heard a lot of testimony for the refinery and against the refinery as I would believe my fellow county commissioners have as Mr. Kessel sits on the zoning board and Mr. Kasian's wife sits on the board. I do not believe the county commissioners can make the best decision for the county based on the information we currently have. I believe the information that I feel like I need to see, could and should be provided to the county timely in junction with zoning director and road superintendent to resolve these questions. Then I believe it is best we reschedule a meeting to take input and approve or disapprove application.

## Listening...

1:08 / 1:39

The CEO of Meridian Energy said a proposed oil refinery to be built near the Bakken will be – as he put it – the “cleanest refinery on this planet.”

The Davis refinery is proposed for a site near Belfield.

"We have taken every bit of technology that's been invented over the last 50 years," said Meridian CEO William Prentice. "As a result, the emissions per 1000 barrels per day will be a fraction of the industry average."

Prentice said work on the Davis Refinery will begin soon after an air quality permit is issued.

"We're hoping that will happen in the next two months or so," Prentice said in an interview. "In two or three months, we can go into the ground. Once that happens, we should be in operation during late 2018."

The Davis Refinery will be only the second so-called “Greenfield” refinery permitted since 1976. Prentice said the plan is to build it in two phases – the first phase will be 27,500 barrels per day, and a second phase would essentially double the size – to 55,000 barrels per day. But Prentice said there is no guarantee the second phase would be built.

"If the capital markets and the appetite of the permitting agencies are such that it's not the right time to do it, we won't do it," Prentice said.

But Prentice said the refinery will be profitable.

"There are parts of the world I've worked in where people would put this (Bakken crude) right into their trucks," Prentice said. "It's beautiful crude oil."

North Dakota currently has two other refineries – the 74,000 barrel per day Mandan refinery ,and the 20,000 barrel per day Dakota Prairie Refinery in Dickinson. Both are owned by Tesoro.

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