

## AIR POLLUTION CONTROL PERMIT TO CONSTRUCT

<b>Permittee Name:</b> Twin State Environmental, LLC	<b>Permit Number:</b> ACP-18325 v1.0
<b>Permittee Address:</b> 3539 E. Kimberly Road Davenport, Iowa 52807	<b>Permit Description:</b> Synthetic Minor Area HAP Source
<b>Source Name &amp; Location:</b> Richardton Facility 3645 – 89 <sup>th</sup> Ave SW Richardton, North Dakota 58652 Lat/Long: 46.8778/-102.3341 NW, SE Sec. 6, T139N, R92W Stark County	<b>Source Type:</b> Support Activities for Rail Transportation / Railcar Cleaning
<b>Date of Application:</b>	December 4, 2025 (Application)

Pursuant to Chapter 23.1-06 of the North Dakota Century Code, the North Dakota Air Pollution Control Rules (North Dakota Administrative Code [NDAC] 33.1-15), and in reliance on statements and representations heretofore made by the permittee (i.e., owner) designated above, a Permit to Construct (PTC, also referred to as ‘permit’) is hereby issued authorizing such permittee to construct and initially operate the source unit(s) listed in Condition 1 at the location designated above. The source may be operated under this PTC until a Permit to Operate (PTO) is issued. This PTC is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Environmental Quality (Department), state and federal regulations, and to any conditions specified below:

Date: \_\_\_\_\_

\_\_\_\_\_  
 James L. Semerad  
 Director  
 Division of Air Quality

## 1. Project and Facility Emission Units:

ACP-18325 v1.0 AQEA details the facility wide emission profile and regulatory analysis associated with this permit.

Table 1-1 lists the new emissions units associated with the Project.

*Table 1-1: Facility Emissions Units*

<b>Emission Unit Description <sup>A</sup></b>	<b>Emission Unit (EU)</b>	<b>Emission Point (EP)</b>	<b>Air Pollution Control Equipment</b>
Process flare	1	1	Process Flare
Pressurized hydrocarbon railcars	1a		
Pressurized ammonia railcars	1b		
Atmospheric hydrocarbon railcars	1c		
Four 4,000 gallon wash tanks	2	2	Submerged Fill Pipes
Atmospheric solids railcars	3	3	None
Up to four natural gas-fired boilers rated 2 MMBtu/hr each (8 MMBtu/hr cumulative maximum) <sup>B</sup>	4	4	None

<sup>A</sup> All emission unit ratings are considered nominal ratings.

<sup>B</sup> Initially TSE will install one natural gas fired boiler rated at 2 MMBtu/hr and is authorized to install up to four units of the same size for a combined maximum heat rating of 8 MMBtu/hr.

## 2. Applicable Standards, Restrictions and Miscellaneous Conditions:

### A. Fuel Restrictions (EU 1 pilot & EU 4):

Are restricted to combusting pipeline quality natural gas containing no more than 2.0 grains of sulfur per 100 standard cubic feet.

### B. Flare Restrictions (EP 1):

- 1) When the flare is in operation, all precautions shall be taken to minimize emissions and maintain compliance with the applicable ambient air quality standards as outlined in NDAC 33.1-15-02 and the opacity standard of 20% not to exceed 60% for more than one six-minute period per hour.
- 2) When the flare is in operation, the flare 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 33.1-15-07-02.
- 3) When the flare is in operation, the presents of a flame shall be monitored using a thermocouple or any other equivalent device approved by the

Department.

C. Operational Restrictions (EUs 1a, 1b, 1c, & 3):

- 1) Pressurized hydrocarbon railcars (EU 1a): The permittee is limited to degassing and cleaning 1,000 railcars in pressurized hydrocarbon service per year on a 12-month calendar basis.
- 2) The limit in Permit Condition 2.C.1 applies to all pressurized hydrocarbon railcars except those containing 1,3 butadiene; the permittee is limited to degassing a maximum of 435 railcars in dedicated 1,3 butadiene service per year to ensure that the facility does not exceed 10 TPY of emissions from any single HAP.
- 3) Pressurized ammonia railcars (EU 1b): The permittee is limited to degassing and cleaning 1,000 railcars in pressurized ammonia service per year on a 12-month calendar basis.
- 4) Atmospheric hydrocarbon railcars (EU 1c): The permittee is limited to degassing and cleaning 1,000 railcars in atmospheric hydrocarbon service per year on a 12-month calendar basis.
- 5) Atmospheric solids railcars (EU 3): The permittee is limited to cleaning 1,000 railcars in atmospheric solids service per year on a 12-month calendar basis.

### 3. Emission Unit Limits:

Emission limits from the operation of the source unit(s) identified in Table 1-1 of this PTC are as follows in Table 3-1. Source units not listed are subject to the applicable emission limits specified in NDAC 33.1-15.

Table 3-1: Summary of Permit Emission Limits

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Pollutant / Parameter	Emission Limit
Pressurized hydrocarbon railcars	1a	1	Operational	Condition 2.C.1, Condition 2.C.2
Pressurized ammonia railcars	1b		Operational	Condition 2.C.3
Atmospheric hydrocarbon railcars	1c		Operational	Condition 2.C.4
Process flare	1		Opacity	20% <sup>A</sup>
Atmospheric solids railcars	3	3	Operational	Condition 2.C.5
			Opacity	40% <sup>B</sup>
Up to four natural gas-fired boilers rated 2 MMBtu/hr each (8 MMBtu/hr cumulative maximum)	4	4	Opacity	20% <sup>C</sup>

<sup>A</sup> 60% opacity permissible for not more than one six-minute period per hour.

<sup>B</sup> 60% opacity permissible for not more than one six-minute period per hour. Limit determined at property boundary.

<sup>C</sup> 40% opacity permissible for not more than one six-minute period per hour.

### 4. Emission Testing Requirements:

There are no initial emissions testing requirements associated with this PTC. The Department reserves the right to conduct, require, and observe emission testing from the source at a reasonable time interval. The Department may reasonably require the permittee to quantify emissions of any contaminant not addressed in this PTC whenever it has reason to believe noncompliance or the emission of a non-addressed contaminant is occurring.

### 5. General Conditions (Action Required):

#### A. Startup Notice:

A notification of the actual date of initial startup shall be submitted to the Department within 15 days after the date of initial startup.

*Applicable requirement: NDAC 33.1-15-12*

B. Modification:

Any alteration, repair, expansion, or change in the method or physical 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 is considered a modification and must be reviewed and approved by the Department before implementation. The Department shall be notified 10 days in advance of any significant deviations from the application. The issuance of this PTC may be suspended or revoked if the Department determines that a significant deviation has been or is to be made without the proper review or approval.

*Applicable requirement: NDAC 33.1-15-14-02.9.d*

C. Like-Kind Emission Unit Replacement:

This permit allows the permittee to replace an existing emission unit with a like-kind unit. Replacement is subject to the following conditions:

- 1) The replacement unit is subject to the same emission limits and performance testing requirements—both state and federal—as the existing unit. The facility must comply with any additional federal standards (e.g. NSPS, MACT) triggered by the replacement.
- 2) The Department must be notified within 10 days of replacement. The date of manufacture of the replacement unit and any additional federal applicability must be included in the notification.
- 3) The replacement unit shall operate in the same manner without increasing throughput and have equal or less emissions than the unit it is replacing.
- 4) If applicable, testing shall be conducted to confirm compliance with emission limits within 180 days after start-up of the replacement unit. Emergency units shall not be required to test if replaced by a like-kind unit.

*Applicable requirement: NDAC 33.1-15-14-02.9.d*

D. Annual Emission Inventory/Annual Production Reports:

The permittee shall submit an annual emission inventory report and/or an annual production report upon Department request on forms approved by the Department.

*Applicable requirement: NDAC 33.1-15-14-02.9.d*

E. Malfunction Notification:

The permittee shall notify the Department of any malfunction which can be expected to last longer than 24 hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Using empirical estimates of emission rates, the permittee shall conservatively estimate if the malfunction can cause noncompliance.

*Applicable requirement: NDAC 33.1-15-01-13.2.a*

F. Transfer of Permit to Construct:

The holder of a PTC may not transfer such permit without prior approval from the Department.

*Applicable requirement: NDAC 33.1-15-14-02.11*

**6. General Conditions (Obligations):**

A. Construction:

This permit shall become invalid if construction does not commence within 18 months after permit issuance, construction is discontinued for a period of 18 months or more, or construction is not completed within a reasonable time as determined by the Department. The Department may provide a time period greater than 18 months when such extension is supported by sufficient documentation from the applicant.

*Applicable requirement: NDAC 33.1-15-14-02.10.b.*

B. Operation:

Construction and operation of the facility shall be in accordance with the permit application—which includes technical supplements, revisions, and supporting data. Any operations not listed in this permit are subject to all applicable NDAC 33.1-15 requirements. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility—including associated air pollution control equipment—in a manner consistent with good practice for minimizing emissions.

*Applicable requirements: NDAC 33.1-15-12, NDAC 33.1-15-22*

C. Recordkeeping:

The permittee shall maintain any compliance monitoring records required by this permit or applicable requirements for a period of at least five years (unless otherwise stated) from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records, all original strip-chart recordings and computer printouts for continuous monitoring instrumentation, and copies of all reports required by the permit.

*Applicable requirements: NDAC 33.1-15-14-02.9.d*

D. Control of Organic Compound Emissions:

The permittee shall comply with all applicable requirements of NDAC 33.1-15-07, which establishes requirements for the construction of organic compound facilities related to closed-vent systems, control devices, and seals and for the control of VOC vapors using a continuously burning pilot flare or other equally effective control device.

E. Internal Combustion Engine Emissions Restricted:

The permittee shall comply with all applicable requirements of NDAC 33.1-15-08-01, which restricts the operation of internal combustion engines which emit, from any source, unreasonable and excessive smoke, obnoxious or noxious gas, fumes or vapor.

F. Restriction of Fugitive Emissions:

The release of fugitive emissions shall comply with the applicable requirements in NDAC 33.1-15-17, which restricts particulate matter and gaseous fugitive emissions that would violate other regulations.

G. Permit Invalidation:

This permit shall be effective from the date of its issuance unless suspended, revoked or surrendered. The violation of any condition of this permit may result in revocation or suspension of the permit or other appropriate enforcement action. If any provision or application of a provision of this permit is held invalid in any circumstance, the remainder of this permit shall remain valid.

*Applicable requirement: NDAC 33.1-15-14-02.9*

H. Nuisance or Danger:

This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.

*Applicable requirements: NDAC 33.1-15-02-03, NDAC 33.1-15-14-02.9.c*

I. Right of Entry:

Any duly authorized officer, employee, or agent of the Department may enter and inspect any property, premise, or place at which the source is located at any time for the purpose of ascertaining compliance with NDAC 33.1-15. The Department may inspect monitoring equipment, conduct tests, and take samples of air contaminants, fuel, processing material, and other materials, which affect or may affect the emission of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department.

*Applicable requirement: NDAC 33.1-15-01-06, NDCC 23.1-06-11*

**7. State Enforceable Conditions (Not Federally Enforceable):**

A. Emissions of Odorous Substances Restricted:

The permittee shall not discharge into the ambient air any objectionable odorous air contaminant which measures seven odor concentration units or greater.

*Applicable requirement: NDAC 33.1-15-16*