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STATE OF MONTANA AIR QUALITY CONTROL IMPLEMENTATION PLAN	Subject: Administrative Rules of Montana

17.8.743	ENVIRONMENTAL QUALITY
<p>(b) change the design of the emitting unit, including associated control equipment; or</p> <p>(c) increase the potential to emit of the emitting unit.</p> <p>(15) "Secondary emissions" means emissions that would occur as a result of the construction or operation of a facility or emitting unit, but do not come from the facility or emitting unit itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the facility or emitting unit which causes the secondary emissions. Secondary emissions may include, but are not limited to:</p> <p>(a) emissions from trains coming to or from the facility or emitting unit;</p> <p>(b) emissions from any off-site support facility that otherwise would not be constructed or increase its emissions as a result of the construction or operation of the facility or emitting unit. (History: 75-2-111, 75-2-204, MCA; <u>IMP</u>, 75-2-211, MCA; <u>NEW</u>, 2002 MAR p. 3567, Eff. 12/27/02.)</p>	
Rules 17.8.741 and 17.8.742 reserved	

17.8.743 MONTANA AIR QUALITY PERMITS--WHEN REQUIRED

(1) Except as provided in ARM 17.8.744 and 17.8.745, a person may not construct, install, modify, or operate any of the following without first obtaining a Montana air quality permit issued by the department:

(a) a new facility or emitting unit with the potential to emit airborne lead in an amount greater than five tons per year or a modification to an existing facility or emitting unit that results in an increase in the facility or emitting unit's potential to emit airborne lead by an amount greater than 0.6 tons per year;

(b) ~~asphalt concrete plants, mineral crushers, and mineral screens that have the potential to emit more than 15 tons per year of any airborne pollutant, other than lead, that is regulated under this chapter;~~

~~(c) any incinerator, as defined in 75-2-103(11), MCA, and that is subject to the requirements of 75-2-215, MCA;~~

(d) any facility or emitting unit upon which construction commenced, or that was installed, before November 23, 1968, when that facility or emitting unit is modified after that date and the modification increases the potential to emit by more than 25 tons per year of any airborne pollutant, other than lead, that is regulated under this chapter; or

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(e) any other facility or emitting unit upon which construction was commenced, or that was installed, after November 23, 1968, that is not specifically excluded under ARM 17.8.744, and that has the potential to emit more than 25 tons per year of any airborne pollutant, other than lead, that is regulated under this chapter.

(2) An owner or operator who has submitted an application and received a completeness determination from the department pursuant to ARM 17.8.759 may, prior to receiving a Montana air quality permit, initiate the following seasonal construction activities that, when completed, would have no anticipated increases in emissions of regulated air pollutants associated with them:

- (a) installing concrete foundation work;
- (b) installing below-ground plumbing;
- (c) installing ductwork; or
- (d) other infrastructure and/or excavation work involving the same.

(3) Notwithstanding the ability to undertake the construction activities described above, the department may issue a letter instructing the owner or operator to immediately cease such activities pending a final determination on an application if it finds that the proposed project would result in a violation of the state implementation plan or would interfere with the attainment or maintenance of any federal or state ambient air quality standard.

(4) Nothing in (2) obligates the department to issue a Montana air quality permit. An owner or operator who has received a completeness determination and who elects to engage in initial construction activities accepts the regulatory risks of engaging in such activities. The owner or operator acknowledges that the department may subsequently order cessation of initial construction activities, ultimately decline to issue a Montana air quality permit, or issue a permit that diminishes or renders useless the value of work completed prior to permit issuance. In voluntarily choosing to engage in such activities while knowing of these risks, the owner or operator agrees that, in the event the department seeks injunctive relief to halt or prohibit construction, no irreparable harm has resulted in any way to the owner or operator from these activities.

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(5) The provisions of (2) do not supersede any other local, state, or federal requirements associated with the activities set forth therein. (History: 75-2-111, 75-2-204, MCA; IMP, 75-2-211, MCA; NEW, 2002 MAR p. 3567, Eff. 12/27/02.)

17.8.744 MONTANA AIR QUALITY PERMITS--GENERAL EXCLUSIONS

(1) A Montana air quality permit is not required under ARM 17.8.743 for the following:

- (a) residential fireplaces, barbecues, and similar devices for recreational, cooking, or heating use;
- (b) mobile emitting units, including motor vehicles, trains, aircraft, and other such self-propelled vehicles;
- (c) laboratory equipment used for chemical or physical analysis;
- (d) any activity or equipment associated with the use of agricultural land or the planting, production, harvesting or storage of agricultural crops (this exclusion does not apply to the processing of agricultural products by commercial businesses);
- (e) emergency equipment installed in hospitals or other public institutions or buildings for use when the usual sources of heat, power or lighting are temporarily unobtainable or unavailable;
- (f) emergency equipment installed in industrial or commercial facilities for use when the usual sources of heat, power, or lighting are temporarily unobtainable or unavailable and when the loss of heat, power, or lighting causes, or is likely to cause, an adverse effect on public health or facility safety. Emergency equipment use extends only to those uses that alleviate such adverse effects on public health or facility safety;
- (g) any activity or equipment associated with the construction, maintenance, or use of roads except emitting units for which a permit is required under ARM 17.8.743;
- (h) open burning, which is regulated under ARM Title 17, chapter 8, subchapter 6, and an open burning permit may be required under that subchapter;
- (i) drilling rig stationary engines and turbines that do not have the potential to emit more than 1.00 tons per year of any pollutant regulated under this chapter and that do not operate in any single location for more than 12 months;

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