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

17.8.763

ENVIRONMENTAL QUALITY

17.8.763 REVOCATION OF PERMIT (1) The department may revoke a Montana air quality permit or any portion of a permit upon written request of the permittee, or for violation of any requirement of the Clean Air Act of Montana, rules adopted under that Act, the Federal Clean Air Act and rules promulgated under that Act (as incorporated by reference in ARM 17.8.767), or any applicable requirement contained in the Montana state implementation plan (as incorporated by reference in ARM 17.8.767).

(2) The department shall notify the permittee in writing of its intent to revoke a permit or a portion of a permit. The department shall serve the notice as provided in ARM 17.8.749. The department's decision to revoke a permit or any portion of a permit becomes final when 15 days have elapsed after service of the notice unless the permittee requests a hearing before the board.

(3) When the department revokes a permit under this rule, the permittee may request a hearing before the board. A hearing request must be in writing and must be filed with the board within 15 days after service of the department's notice of intent to revoke the permit. Filing a request for a hearing postpones the effective date of the department's decision until issuance of a final decision by the board.

(4) A hearing under this rule is governed by the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, MCA. (History: 75-2-111, 75-2-204, MCA; IMP, 75-2-211, MCA; NEW, 2002 MAR p. 3567, Eff. 12/27/02.)

17.8.764 ADMINISTRATIVE AMENDMENT TO PERMIT (1) The department may amend a Montana air quality permit, or any portion of a permit, for the following reasons:

- (a) changes in any applicable rules adopted by the board;
- (b) changes in operation that do not result in an increase in emissions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, 17.8.749, 17.8.752, 17.8.755, and 17.8.756, and with all applicable requirements in ARM Title 17, chapter 8, subchapters 8, 9, and 10;

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AIR QUALITY

17.8.765

(c) administrative errors in the permit that do not affect substantive provisions of the permit.

(2) The department shall notify the permittee in writing of any proposed amendments to the permit. The department shall serve the notice as provided for in ARM 17.8.749. The permit is deemed amended in accordance with the notice when 15 days have elapsed after service of the notice unless the permittee requests a hearing before the board.

(3) When the department amends a permit under this rule, the permittee may request a hearing before the board. A hearing request must be in writing and must be filed with the board within 15 days after service of the department's notice of intent to amend the permit. Filing a request for hearing postpones the effective date of the department's decision until issuance of a final decision by the board.

(4) A hearing under this rule is governed by the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, MCA. (History: 75-2-111, 75-2-204, MCA; IMP, 75-2-211, MCA; NEW, 2002 MAR p. 3567, Eff. 12/27/02.)

<p>17.8.765 TRANSFER OF PERMIT (1) A Montana air quality permit may be transferred from one location to another if:</p> <p>(a) the department receives a complete notice of intent to transfer location, including:</p> <p>(i) written notice of intent to transfer location on forms provided by the department; and</p> <p>(ii) documentation that the permittee has published notice of the intended transfer by means of a legal publication in a newspaper of general circulation in the area to which the transfer is to be made. The notice must include a statement that public comment will be accepted by the department for 15 days after the date of publication and that comments should be addressed to: Air Quality Permitting Section, Air and Waste Management Bureau, Department of Environmental Quality, 1520 E. 6th Ave., PO Box 200901, Helena, MT 59620-0901;</p> <p>(b) the permitted facility will operate in the new location for less than one year;</p>
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