



## ADMINISTRATIVE RULES OF MONTANA



### 17.8.1109 ADVERSE IMPACT AND FEDERAL LAND MANAGER

- (1) Federal land managers may present to the department, after the preliminary determination required under ARM 17.8.759, a demonstration that the emissions from the proposed source or modification may cause or contribute to adverse impact on visibility in any federal Class I area, notwithstanding that the air quality change resulting from the emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increment defined in ARM 17.8.804 (PSD) for a federal Class I area.
- (2) The department will consider the comments of the federal land manager in its determination of whether adverse impact on visibility may result. Should the department determine that such impairment may result, a permit for the proposed source will not be granted.
- (3) Where the department finds such an analysis does not demonstrate to the satisfaction of the department that an adverse impact on visibility will result, the department will provide written notification to the affected federal land manager within five days of the department's final decision on the permit. The notification will include an explanation of the department's decision or give notice as to where the explanation can be obtained.

**Authorizing statute(s):** 75-2-111, 75-2-203, MCA

**Implementing statute(s):** 75-2-203, 75-2-204, 75-2-211, MCA

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**History:** NEW, 1985 MAR p. 1326, Eff. 9/13/85; AMD, 1995 MAR p. 535, Eff. 4/14/95; TRANS, from DHES, 1996 MAR p. 2285; AMD, 2002 MAR p. 3567, Eff. 12/27/02.