



ADMINISTRATIVE RULES OF MONTANA



17.8.1213 REQUIREMENTS FOR AIR QUALITY OPERATING PERMIT CONTENT RELATING TO COMPLIANCE

- (1) All air quality operating permits shall contain the provisions required by this rule with respect to compliance.
- (2) Consistent with ARM 17.8.1212, all permits shall contain compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any such data, generated as a condition of the permit, may be used to demonstrate compliance with the conditions of the permit and may be used for direct enforcement. Any document (including reports) required by a permit shall contain a certification by a responsible official that meets the requirements of ARM 17.8.1207.
- (3) Each permit shall contain inspection and entry requirements which require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the department, the administrator or an authorized representative (including an authorized contractor acting as a representative of the department or the administrator) to perform the following:
 - (a) enter the premises where a source required to obtain a permit is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - (c) inspect at reasonable times any facilities, emission unit, equipment (including monitoring and air pollution control equipment) , practices, or operations regulated or required under the permit; and
 - (d) as authorized by the Montana Clean Air Act and rules promulgated thereunder, sample or monitor at reasonable times any substances or parameters at any location for the purpose of assuring compliance with the permit or applicable requirements.
- (4) Inspections pursuant to (3) , shall be conducted in compliance with all applicable federal or state rules or requirements for workplace safety and source-specific facility workplace safety rules or requirements. The source shall inform the inspector of all applicable workplace safety rules or requirements at the time of the inspection. This section shall not limit in any manner the department's statutory right of entry and inspection as provided for in 75-2-403 , MCA.
- (5) Each permit shall contain a schedule of compliance consistent with ARM 17.8.1206(6) .

- (6) Consistent with ARM 17.8.1206(6) , the permit shall require progress reports to be submitted at least semiannually, or more frequently if specified in the applicable requirement or by the department. Such progress reports shall contain the following:
 - (a) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - (b) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- (7) Each permit shall contain requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include the following:
 - (a) A requirement that compliance certifications be submitted at least once per year or more frequently if otherwise specified in an applicable requirement or by the department. Notwithstanding any applicable requirement, the department may specify that compliance certifications be submitted more frequently for those emission units not in compliance with permit terms and conditions.
 - (b) In accordance with ARM 17.8.1212, a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices that are contained in applicable requirements.
 - (c) A requirement that the compliance certification include the following:
 - (i) the identification of each term or condition of the permit that is the basis of the certification;
 - (ii) the identification of the method(s) or other means used by the owner or operator for determining the status of compliance with each term and condition during the certification period. Such methods and other means include, at a minimum, the methods and means required under ARM 17.8.1212;
 - (iii) the status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in (7) (c) (ii) . The certification must identify each deviation and take it into account in the compliance certification. The certification must also identify as possible exceptions to compliance any periods during which compliance was required and in which an excursion or exceedance as defined in ARM 17.8.1501 occurred; and
 - (iv) such other facts as the department may require to determine the compliance status of the source.
 - (d) A requirement that all compliance certifications be submitted to the administrator as well as to the department.

Authorizing statute(s): 75-2-217, 75-2-218, MCA

Implementing statute(s): 75-2-217, 75-2-218, MCA

History: NEW, 1993 MAR p. 2933, Eff. 12/10/93; TRANS, from DHES, 1996 MAR p. 2285; AMD, 1998 MAR p. 350, Eff. 1/30/98; AMD, 2000 MAR p. 839, Eff. 3/31/00; AMD, 2003 MAR p. 645, Eff. 4/11/03; AMD, 2003 MAR p. 2856, Eff. 12/25/03.