



ADMINISTRATIVE RULES OF MONTANA



17.8.1503 APPLICABILITY

- (1) Except for backup utility units that are exempt under (3) below, the requirements of this subchapter shall apply to a pollutant-specific emissions unit at a major source that is required to obtain an air quality operating permit if the unit satisfies all of the following criteria:
 - (a) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof) , other than an emission limitation or standard that is exempt under (2) below;
 - (b) The unit uses a control device to achieve compliance with any such emission limitation or standard; and
 - (c) The unit has potential precontrol device emissions of the applicable regulated air pollutant that are equal to or greater than 100% of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this paragraph, "potential precontrol device emissions" shall have the same meaning as "potential to emit", as defined in ARM 17.8.1501(16) , except that emission reductions achieved by the applicable control device shall not be taken into account.
- (2) The requirements of this subchapter shall not apply to any of the following emission limitations or standards:
 - (a) emission limitations or standards proposed by the administrator of the EPA after November 15, 1990, pursuant to section 7411 or 7412 of the FCAA.
 - (b) stratospheric ozone protection requirements under Title VI of the FCAA.
 - (c) acid rain program requirements pursuant to sections 7651c, 7651d, 7651e, 7651f(a) or (b) , or 7651i of the FCAA.
 - (d) emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the administrator under the FCAA that allows for trading emissions within a source or between sources.
 - (e) an emissions cap that meets the requirements specified in ARM 17.8.1224(4) .
 - (f) emission limitations or standards for which an air quality operating permit specifies a continuous compliance determination method, as defined in ARM 17.8.1501(4) . The exemption provided in this subsection shall not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device (such as a surface coating line controlled by an incinerator for which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor

based on an initial performance test; in this example, the requirements of this subchapter would apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage) .

- (3) The requirements of this subchapter shall not apply to a utility unit, as defined in 40 CFR part 72.2, that is municipally owned if the owner or operator provides documentation in an air quality operating permit application that:
- (a) The utility unit is exempt from all monitoring requirements in 40 CFR part 75 (including the appendices thereto) ;
 - (b) The utility unit is operated for the sole purpose of providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the permit term. The owner or operator shall provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and
 - (c) The actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation (or such shorter time period that is available for units with fewer than three years of operation) are less than 50% of the amount in tons per year required for a source to be classified as a major source and are expected to remain so.

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

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

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