



ADMINISTRATIVE RULES OF MONTANA



17.8.765 TRANSFER OF PERMIT

- (1) A Montana air quality permit may be transferred from one location to another if:
 - (a) the department receives a complete notice of intent to transfer location, including:
 - (i) written notice of intent to transfer location on forms provided by the department; and
 - (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 Permitting Section, Air Resources Management Bureau, Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901;
 - (b) the permitted facility will operate in the new location for less than one year;
 - (c) the permitted facility can be expected to operate in compliance with:
 - (i) the Federal Clean Air Act, the Clean Air Act of Montana and rules adopted under those acts, including the ambient air quality standards; and
 - (ii) the Montana State Implementation Plan.
 - (d) the owner or operator of the permitted facility complies with ARM Title 17, chapter 8, subchapters 8, 9 and 10, as applicable.
- (2) A Montana air quality permit may be transferred from one owner or operator to another if the department receives written notice of intent to transfer, including the names and authorized signatures of the transferor and the transferee.
- (3) The department may not approve or conditionally approve a permit transfer if approval would result in a violation of the Clean Air Act of Montana or rules adopted under that Act, including the ambient air quality standards. If the department does not approve, conditionally approve, or deny a permit transfer within 30 days after receipt of a complete notice of intent to transfer, as described in (1) (a) or (2) , the transfer is deemed approved.

Authorizing statute(s): 75-2-111, 75-2-204, MCA

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

History: NEW, 2002 MAR p. 3567, Eff. 12/27/02.