



ADMINISTRATIVE RULES OF MONTANA

17.8.342 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

- (1) The owner or operator of any affected source, as defined and applied in 40 CFR Part 63, shall comply with the requirements of 40 CFR Part 63, incorporated by reference in ARM 17.8.302. All references in 40 CFR Part 63, Subpart B to "permitting authority" refer to the Montana Department of Environmental Quality ("department") .
- (2) Any owner or operator who constructs a major source of HAP is required to obtain from the department a notice of MACT approval or a 112(g) exemption pursuant to this rule, prior to beginning actual construction, unless:
 - (a) the major source has been specifically regulated or exempted from regulation under a standard issued pursuant to 42 USC 7412(d) , (h) , or (j) and incorporated into 40 CFR Part 63;
 - (b) the owner or operator of the major source has already received all necessary air quality permits for such construction, as of July 23, 1999; or
 - (c) the major source has been excluded from the requirements of 42 USC 7412(g) under 40 CFR 63.40(c) , (e) or (f) .
- (3) Unless granted a 112(g) exemption under (5) below, at least 180 days prior to beginning actual construction, an owner or operator who constructs a major source of HAP shall apply to the department for a notice of MACT approval. The application must be made on forms provided by the department, and must include all information required under 40 CFR 63.43(e) .
- (4) When acting upon an application for a notice of MACT approval, the department shall comply with the principles of MACT determination specified in 40 CFR 63.43(d) .
- (5) The owner or operator of a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, may apply to the department for a 112(g) exemption, if the process or production unit meets the criteria contained in 40 CFR 63.41 (definition of "construct a major source", (2) (i) through (vi)) . Application must be made on forms provided by the department, at least 180 days prior to beginning actual construction. The applicant shall include such information as may be necessary to demonstrate that the process or production unit meets the criteria referenced herein.
- (6) As further described below, and except as expressly modified by this rule, the procedural requirements of ARM Title 17, chapter 8, subchapter 7 apply to an application for a notice of MACT approval or 112(g) exemption. For purposes of this rule:

- (a) all references in applicable provisions of ARM Title 17, chapter 8, subchapter 7 to "permit" or "Montana air quality permit" or "air quality permit" mean "notice of MACT approval" or "112(g) exemption," as appropriate;
 - (b) all references in applicable provisions of ARM Title 17, chapter 8, subchapter 7 to "new or modified facility" or "new or modified emitting unit" mean "major source of HAP".
- (7) The following sections of ARM Title 17, chapter 8, subchapter 7 govern the application, review, and final approval or denial of a notice of MACT approval or 112(g) exemption: ARM 17.8.748, 17.8.749, 17.8.755, 17.8.756, 17.8.759 and 17.8.760.
 - (8) The department shall notify the applicant in writing of any final approval or denial of an application for a notice of MACT approval or 112(g) exemption.
 - (9) A notice of MACT approval must contain the elements specified in 40 CFR 63.43(g) . The notice shall expire if fabrication, erection, installation or reconstruction has not commenced within 18 months of issuance, except that the department may grant an extension which may not exceed an additional 12 months.
 - (10) An owner or operator of a major source of HAP that receives a notice of MACT approval or a 112(g) exemption from the department shall comply with all conditions and requirements contained in the notice of MACT approval or 112(g) exemption.
 - (11) If a standard is promulgated pursuant to 42 USC 7412(d) , (h) or (j) , before the date an applicant for a notice of MACT approval or 112(g) exemption has received a final and legally effective determination for a major source of HAP subject to the standard, the applicant shall comply with the promulgated standard.
 - (12) If a standard is promulgated pursuant to 42 USC 7412(d) , (h) or (j) , after the owner or operator of a major source of HAP subject to the standard has received a notice of MACT approval, the department shall issue an initial operating permit or reopen an existing operating permit pursuant to ARM Title 17, chapter 8, subchapter 12, as appropriate, consistent with the requirements of 40 CFR 63.44.
 - (13) The department may revoke a notice of MACT approval or 112(g) exemption if it determines that the notice or exemption is no longer appropriate because a standard has been promulgated pursuant to 42 USC 7412(d), (h), or (j) . In pursuing revocation, the department shall follow the procedures specified in ARM 17.8.763. A revocation under this subsection may not become effective prior to the date an owner or operator is required to be in compliance with a standard promulgated pursuant to 42 USC 7412(d), (h), or (j), unless the owner or operator agrees in writing otherwise.

Authorizing statute(s): 75-2-112, 75-2-203, 75-2-204, MCA

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

History: TRANS, from DHES, 1996 MAR p. 2285; NEW, 1996 MAR p. 2298, Eff. 8/23/96; AMD, 1999 MAR p. 1658, Eff. 7/23/99; AMD, 2002 MAR p. 3567, Eff. 12/27/02; AMD, 2024 MAR p. 2056, Eff. 8/24/24.