



ADMINISTRATIVE RULES OF MONTANA

17.8.1224 ADDITIONAL REQUIREMENTS FOR OPERATIONAL FLEXIBILITY AND AIR QUALITY OPERATING PERMIT CHANGES THAT DO NOT REQUIRE REVISIONS

- (1) A source holding an air quality operating permit is authorized to make changes within a permitted facility as described in (3) and (4), providing the following conditions are met:
 - (a) the proposed changes do not require the source or stack to obtain a Montana air quality permit under subchapter 7 of this chapter;
 - (b) the proposed changes are not modifications under Title I of the FCAA, or as defined in subchapters 8, 9 or 10 of this chapter;
 - (c) the emissions resulting from the proposed changes do not exceed the emissions allowable under the permit, whether expressed as a rate of emissions, or in total emissions;
 - (d) the proposed changes do not alter permit terms that are necessary to enforce applicable emission limitations on emissions units covered by the permit;
 - (e) the facility provides the administrator and the department with written notification at least seven days prior to making the proposed changes.
- (2) The source and department shall attach each notice provided pursuant to (1)(e) , to their respective copies of the appropriate air quality operating permit.
- (3) Pursuant to the conditions in (1) and (2) , a source holding an air quality operating permit is authorized to make section 502(b) (10) changes, as defined in this subchapter, without a permit revision. For each such change, the written notification required under (1)(e), shall include a description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
- (4) Pursuant to the conditions in (1) and (2), and upon the request of the permit applicant, the department shall issue an air quality operating permit that contains terms and conditions, including all terms required under ARM 17.8.1210 through 17.8.1213 and 17.8.1215 to determine compliance, allowing for the trading of emissions increases and decreases at the source solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements, providing the following conditions are met:
 - (a) the applicant must include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable;
 - (b) the emissions trades may not be applied to any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades;

- (c) the permit must require compliance with all applicable requirements;
 - (d) emission trading may only be done within a pollutant, that is, emission decreases may only be traded for emission increases of the same pollutant; and
 - (e) the written notification required under (1)(e), must state when the change will occur, and describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.
- (5) A source holding an air quality operating permit may make a change not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided that the following conditions are met:
- (a) each proposed change does not weaken the enforceability of any existing permit condition;
 - (b) the department has not objected to such change;
 - (c) each proposed change meets all applicable requirements and does not violate any existing permit term or condition; and
 - (d) the source provides contemporaneous written notice to the department and the administrator of each change that is above the level for insignificant emission units as defined in ARM 17.8.1201(22) and 17.8.1206(3), and the written notice describes each such change, including the date of the change, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
- (6) The permit shield authorized by ARM 17.8.1214 shall not apply to changes made pursuant to (3), but is applicable to terms and conditions that allow for increases and decreases in emissions pursuant to (4).
- (7) Notwithstanding any provisions of this rule, the following changes must be submitted as an air quality operating permit revision:
- (a) any change that increases emissions above those allowed in the air quality operating permit;
 - (b) any change that increases emissions above those allowed in the Montana air quality permit;
 - (c) any change that is a modification as defined in subchapters 8, 9 or 10 of this chapter;
 - (d) any change that is a modification or reconstruction under sections 110, 111, or 112 of the FCAA; or
 - (e) any change subject to the acid rain requirements under Title IV of the FCAA.

Authorizing statute(s): 75-2-217, 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, 2002 MAR p. 3567, Eff. 12/27/02; AMD, 2003 MAR p. 645, Eff. 4/11/03; AMD, 2025 MAR, Notice No. 2025-174, Eff. 9/27/25.