



ADMINISTRATIVE RULES OF MONTANA



17.8.748 NEW OR MODIFIED EMITTING UNITS--PERMIT APPLICATION REQUIREMENTS

- (1) The owner or operator of a proposed new or modified facility or emitting unit that is subject to ARM 17.8.743 , shall, no later than 180 days before construction begins, or if construction is not required, no later than 120 days before installation, modification, or operation begins, submit an application to the department for a Montana air quality permit on an application form provided by the department. The department may, for good cause shown, waive or shorten the time required for filing the application.
- (2) The department may provide pre-application consultation and nonbinding, advisory opinions regarding any potential issues identified by the owner or operator that may arise regarding the permit application.
- (3) A permit application submitted pursuant to this subchapter must contain certification by a responsible official of truth, accuracy, and completeness. This certification must state that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete. The following persons are authorized to sign an application on behalf of the owner or operator of a new or modified facility or emitting unit(s) :
 - (a) an application submitted by a corporation or a limited liability company must be signed by an individual specified in the corporate bylaws or the limited liability company operating agreement as having the authority to bind the corporation or limited liability company in contracts, liabilities, and other company obligations;
 - (b) an application submitted by a partnership or a sole proprietorship must be signed by a general partner or the proprietor respectively;
 - (c) an application submitted by a municipal, state, federal or other public agency must be signed by a principal executive officer, appropriate elected official, or other duly authorized employee; and
 - (d) an application submitted by an individual must be signed by the individual or the individual's authorized agent.
- (4) An application for a Montana air quality permit must include the following:
 - (a) a map and diagram showing the location of the proposed new or modified facility or emitting unit(s) . The map and diagram must also include the location of each associated stack, the property involved, the height and outline of associated buildings, and the height and outline of each associated stack;

- (b) a description of the proposed new or modified facility or emitting unit(s) , including data on expected production capacity, raw materials to be processed, and major equipment components;
 - (c) a description of any control equipment to be installed;
 - (d) a description of the composition, volume and temperatures of the effluent stream, including the nature and extent of air contaminants emitted, quantities and means of disposal of collected contaminants, and the air quality relationship of these factors to conditions created by existing stacks or emitting units or stacks associated with the proposed new or modified emitting unit(s) ;
 - (e) normal and maximum operating schedules;
 - (f) drawings, blueprints, specifications, or other information adequate to show the design and operation of process and air pollution control equipment involved;
 - (g) process flow diagrams showing material balances;
 - (h) a detailed schedule of construction or modification;
 - (i) a description of shakedown procedures to the extent shakedown is expected to affect emissions, and the anticipated duration of the shakedown period for each new or modified emitting unit;
 - (j) any other information requested by the department that is necessary for the department to review the application and determine whether the new or modified facility or emitting unit(s) will comply with applicable standards and rules;
 - (k) information regarding site characteristics necessary to conduct an assessment of impacts under the Montana Environmental Policy Act, [75-1-101](#), et seq., MCA, as required on the application form; and
 - (l) the appropriate air quality permit application fee required under ARM 17.8.504 .
- (5) An applicant is not required to submit information previously filed with the department. If an applicant does not want to submit information that has been submitted previously to the department, the applicant shall specify in the application the information previously submitted, and, wherever possible, shall specify the date upon which the information was submitted. Any information the department determines is in its possession becomes part of the application.
 - (6) Section [75-2-105](#), MCA, specifies the procedure for filing a declaratory judgment action to establish the existence, and confidential status of, trade secret information provided in a permit application.
 - (7) An applicant for a permit shall notify the public of the application by legal publication in a newspaper of general circulation in the area affected by the application. The notice must be published within ten days before, or after, submittal of the application. The form of the notice must be as provided to the applicant by the department.

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

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



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