



ADMINISTRATIVE RULES OF MONTANA

17.8.1510 APPROVAL OF MONITORING

- (1) Based on an application that includes the information submitted in accordance with ARM 17.8.1509, the department shall act to approve the monitoring submitted by the owner or operator by confirming that the monitoring satisfies the requirements in ARM 17.8.1504 through 17.8.1506.
- (2) In approving monitoring under this rule, the department may condition the approval on the owner or operator collecting additional data on the indicators to be monitored for a pollutant-specific emissions unit, including required compliance or performance testing, to confirm the ability of the monitoring to provide data that are sufficient to satisfy the requirements of this subchapter and to confirm the appropriateness of an indicator range(s) or designated condition(s) proposed to satisfy ARM 17.8.1504(1) (b) and (c) and consistent with the schedule in ARM 17.8.1508(4) .
- (3) If the department approves the proposed monitoring, it shall establish one or more permit terms or conditions that specify the required monitoring in accordance with ARM 17.8.1212(1) . At a minimum, the permit shall specify:
 - (a) the approved monitoring approach that includes all of the following:
 - (i) the indicator(s) to be monitored (such as temperature, pressure drop, emissions, or similar parameter) ;
 - (ii) the means or device to be used to measure the indicator(s) (such as temperature measurement device, visual observation, or CEMS) ; and
 - (iii) the performance requirements established to satisfy ARM 17.8.1505(1) or 17.8.1506, as applicable.
 - (b) the means by which the owner or operator will define an exceedance or excursion for purposes of responding to and reporting exceedances or excursions under ARM 17.8.1511 and 17.8.1512. The permit shall specify the level at which an excursion or exceedance will be deemed to occur, including the appropriate averaging period associated with such exceedance or excursion. For defining an excursion from an indicator range or designated condition, the permit may include the specific value(s) or condition(s) at which an excursion shall occur, and shall include the specific procedures that will be used to establish that value or condition. The permit shall specify appropriate notice procedures for the owner or operator to notify the department upon any establishment or reestablishment of the value.
 - (c) if an excursion from an indicator range is to be considered a per se violation of an emission limitation or permit term. Unless so designated, an indicator range shall not be enforceable as a violation of a permit term.

- (d) the obligation to conduct the monitoring and fulfill the other obligations specified in ARM 17.8.1511 through 17.8.1513.
 - (e) if appropriate, a minimum data availability requirement for valid data collection for each averaging period, and, if appropriate, a minimum data availability requirement for the averaging periods in a reporting period.
- (4) If the monitoring proposed by the owner or operator requires installation, testing or final verification of operational status, the air quality operating permit shall include an enforceable schedule with appropriate milestones for completing such installation, testing, or final verification consistent with the requirements in ARM 17.8.1513(4) .
 - (5) If the department issues a draft permit that disapproves the proposed monitoring, the draft permit shall include monitoring that satisfies the requirements of ARM 17.8.1212(1) (b) , and a compliance schedule for the source owner to submit monitoring that satisfies 17.8.1504 through 17.8.1508.
 - (6) If the department disapproves the proposed monitoring, the final permit shall include, at a minimum, monitoring that satisfies the requirements of ARM 17.8.1212(1) (b) . The owner or operator shall comply with this monitoring until a plan for revised monitoring is implemented, as follows:
 - (a) the final permit shall include a compliance schedule for the owner or operator to submit monitoring that satisfies ARM 17.8.1504 through 17.8.1508. In no case shall the owner or operator be allowed to submit a plan for revised monitoring more than 180 days from the date of issuance of the final permit;
 - (b) if the owner or operator does not submit the plan for revised monitoring in accordance with the compliance schedule as required above, the owner or operator shall be deemed not in compliance with the requirements of this subchapter. If the department disapproves the monitoring submitted under the compliance schedule, and notwithstanding the owner or operator's compliance with monitoring that satisfies the requirements of ARM 17.8.1212(1) (b) , the owner or operator shall be deemed not in compliance with the requirements of this subchapter, unless the owner or operator files a timely request for a hearing pursuant to 75-2-218 (5) , MCA, and successfully challenges the disapproval.
 - (7) If an appeal of the department's decision is filed with the board, the deadline for filing any implementation plan and schedule required under ARM 17.8.1508(4) , or compliance schedule required under (6) (a) above, shall be tolled until the conclusion of the appeal process. If the board affirms the department's decision, the owner or operator shall comply with the implementation plan and schedule, or compliance schedule, as applicable. If the board rejects the department's decision, the board shall order the owner or operator to submit an implementation plan and schedule that provides for monitoring approved by the board as expeditiously as practicable. In no case may the owner or operator complete installation and begin operation of the monitoring more than 180 days from the date of the board's decision.

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

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

History: NEW, 2000 MAR p. 839, Eff. 3/31/00.