



ADMINISTRATIVE RULES OF MONTANA



17.8.828 INNOVATIVE CONTROL TECHNOLOGY

- (1) An owner or operator of a proposed major stationary source or major modification may request the department approve a system of innovative control technology.
- (2) The department may, with the consent of the governor of any other affected state, determine that the source or modification may employ a system of innovative control technology, if:
 - (a) the proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;
 - (b) the owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under ARM 17.8.819(2) , by a date specified by the department, provided that such date may not be later than four years from the time of start-up or seven years from permit issuance;
 - (c) the source or modification would meet the requirements equivalent to those in ARM 17.8.819 and 17.8.820, based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the department;
 - (d) the source or modification would not, before the date specified by the department, cause or contribute to any violation of an applicable national ambient air quality standard or impact any area where an applicable increment is known to be violated;
 - (e) all other applicable requirements including those for public participation have been met; and
 - (f) the provisions of ARM 17.8.825 (relating to Class I areas) have been satisfied with respect to all periods during the life of the source or modification.
- (3) The department shall withdraw any approval to employ a system of innovative control technology made under this subchapter if:
 - (a) the proposed system fails by the specified date to achieve the required continuous emissions reduction rate;
 - (b) the proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or
 - (c) the department decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.
- (4) If a source or modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn in accordance with (3) , the

department may allow the source or modification up to an additional three years to meet the requirement for the application of BACT through use of a demonstrated system of control.

Authorizing statute(s): 75-2-111, 75-2-203, MCA

Implementing statute(s): 75-2-202, 75-2-203, 75-2-204, MCA

History: NEW, 1993 MAR p. 2919, Eff. 12/10/93; TRANS, from DHES, 1996 MAR p. 2285.