



## ADMINISTRATIVE RULES OF MONTANA



### **17.8.1205 REQUIREMENTS FOR TIMELY AND COMPLETE AIR QUALITY OPERATING PERMIT APPLICATIONS**

- (1) For each source required to obtain an air quality operating permit, the owner or operator shall submit a timely and complete air quality operating permit or renewal application in accordance with this rule.
- (2) To be considered timely for the purposes of this rule, a person required to obtain a permit pursuant to this subchapter shall file an application with the department as follows:
  - (a) An applicant applying for an air quality operating permit for the first time due to the applicability of newly promulgated regulations shall submit a permit application within 12 months after the source becomes subject to the permit program.
  - (b) Persons required to obtain an air quality operating permit or permit revision who are also required to obtain a Montana air quality preconstruction permit under this chapter shall file a complete application for an air quality operating permit or permit revision within 12 months after commencing operation, unless an existing operating permit would prohibit the construction or change in operation. If an existing operating permit would prohibit the construction or change in operation, the owner or operator shall obtain a permit revision before commencing operation.
  - (c) For renewal, a permittee shall submit a complete air quality operating permit application to the department not later than six months prior to the expiration of the existing permit, unless otherwise specified in that permit. If necessary to ensure that the existing permit will not expire before the renewal permit is issued, the department may notify the permittee in writing that the renewal application must be submitted by a specified deadline that is earlier than six months prior to permit expiration. Such written notification must be provided at least one year before the renewal application due date established in the existing permit. In no case may this extended time period or the time period established in the existing permit be greater than 18 months.
- (3) To be deemed complete for the purposes of this rule, an application for an air quality operating permit or permit revision must be filed with the department as follows:
  - (a) An applicant shall provide all information required pursuant to this rule and ARM 17.8.1206. An applicant for permit revision shall submit all required information related to the proposed change. An application for renewal must address in detail those portions of the permit that require revision, updating, supplementation, or deletion. The applicant shall submit information pursuant to this rule and ARM 17.8.1206 sufficient for the department to evaluate the subject source and the application pursuant to all applicable requirements. If the applicant provides sufficient information to satisfy the requirements of application completeness, then the application shall be deemed to be administratively complete for the

purposes of applying the application shield provided for in ARM 17.8.1221 and the department shall notify the applicant of such administrative completeness. A responsible official shall certify the submitted information consistent with ARM 17.8.1207. Except as otherwise provided in ARM 17.8.1220(6) and (7), or unless the department determines that an air quality operating application is not substantively complete within 60 days of receipt of the application, such application shall be deemed to be substantively complete.

- (b) During the permit review process set forth in (3)(a), the department may determine that additional information is necessary to evaluate or take final action on the application and may request such information in writing and set a reasonable deadline for a response, which may not be less than 15 days.
- (c) Applicants eligible for a general air quality operating permit shall provide written notification to the department of their intent to operate under the terms of the general permit, or shall apply for an air quality operating permit consistent with (1). The terms of the general permit adopted pursuant to ARM 17.8.1222 may provide for applications that deviate from the requirements of (1), and ARM 17.8.1206, if such applications are consistent with subchapter V of the FCAA, and include all information necessary for the department to determine qualification for, and assure compliance with, the general permit.
- (d) An applicant for an air quality operating permit revision that submits an application for a minor permit modification shall meet the requirements of ARM 17.8.1206, and shall include the following with the application:
  - (i) a description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
  - (ii) the applicant's suggested draft permit;
  - (iii) certification by a responsible official, consistent with ARM 17.8.1207, that the proposed permit modification meets the criteria for use of minor modification procedures and a request that such procedures be used; and
  - (iv) completed forms for the department to use to notify the administrator and affected states as required under ARM 17.8.1233.
- (e) An application for an air quality operating permit revision that is submitted as part of a group processing of minor modifications must meet the requirements of ARM 17.8.1206, and must include the following:
  - (i) a description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
  - (ii) the applicant's suggested draft permit;
  - (iii) certification by a responsible official, consistent with ARM 17.8.1207, that the proposed permit modification meets the criteria for use of group processing procedures and a request that such procedures be used;
  - (iv) a list of the applicant's other pending permit modification applications and a determination as to whether the requested modification, when aggregated with these other applications, equals or exceeds the threshold set under ARM 17.8.1226(7)(b);

- (v) certification by a responsible official, consistent with ARM 17.8.1207, that the applicant notified the administrator of the proposed modification. Such notification need only contain a brief description of the requested modification; and
  - (vi) completed forms for the department to use to notify the administrator and affected states as required under ARM 17.8.1233.
- (4) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in an application for an air quality operating permit or permit revision shall, upon becoming aware of such failure or incorrect submittal, promptly submit such facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant filed a substantively complete application, but prior to release of a draft permit.
- (5) If an applicant submits information to the department under a judicial determination of confidentiality, the applicant shall submit a copy of such information directly to the administrator. This requirement does not preclude or limit the right of the applicant to assert to the administrator the confidential status and nature of the information.

**Authorizing statute(s):** 75-2-217, 75-2-218, 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, 2009 MAR p. 142, Eff. 2/13/09.