



ADMINISTRATIVE RULES OF MONTANA



17.8.101 DEFINITIONS

As used in this chapter, unless indicated otherwise in a specific subchapter, the following definitions apply:

- (1) "Administrator" means the administrator of the U.S. Environmental Protection Agency or the administrator's designee.
- (2) "Air pollutants" has the meaning provided in 75-2-103(2), MCA.
- (3) "Air quality operating permit" means any permit or group of permits issued, renewed, revised, amended, or modified pursuant to subchapter 12 of this chapter.
- (4) "Montana air quality permit" means a permit issued, altered or modified pursuant to subchapters 7, 8, 9, or 10 of this chapter.
- (5) "Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation, or both) and the most stringent of the following:
 - (a) the applicable standards as set forth in ARM 17.8.340 or 17.8.341;
 - (b) the applicable emissions limitation contained in the Montana state implementation plan, including those with a future compliance date; or
 - (c) the emissions rate specified as a federally enforceable permit condition.
- (6) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.
- (7) "Ambient air monitoring" means measurement of any air pollutant, odor, meteorological or atmospheric characteristic, or any physical or biological condition resulting from the effects of air pollutants or meteorological atmospheric conditions provided the measurement is performed in an area constituting ambient air.
- (8) "Board" means the Board of Environmental Review as provided for in 2-15-3502, MCA.
- (9) "Boiler or industrial furnace" means any source or emitting unit that is subject to the provisions of 75-10-405(2)(e) and 75-10-406, MCA, and rules promulgated thereunder defining the class of activities subject to regulation under those sections, found at ARM Title 17, chapter 53, subchapter 10.
- (10) "Commercial hazardous waste incinerator" has the meaning provided in 75-2-103(6), MCA.

- (11) "Commercial medical waste incinerator" means any incinerator that incinerates medical waste, except that "commercial medical waste incinerator" does not include hospital or medical facility incinerators that primarily incinerate medical waste generated onsite.
- (12) "Control equipment" means any device or contrivance which prevents, removes, controls or abates emissions.
- (13) "Department" means the Department of Environmental Quality as provided for in 2-15-3501, MCA.
- (14) "Emission" has the meaning provided in 75-2-103(8), MCA.
- (15) "Emission standard" means an allowable rate of emissions or level of opacity, or a requirement that certain equipment, work practices or operating conditions be employed to assure continuous emission control. An emission standard may be contained in a rule or regulation, consent decree, judicial or administrative order, or permit condition.
- (16) "EPA" means the U.S. Environmental Protection Agency.
- (17) "FCAA" means the Federal Clean Air Act, 42 USC 7401, et seq.
- (18) "Federally enforceable" means all limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the Montana State Implementation Plan, and any permit requirement established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the Montana State Implementation Plan and expressly requires adherence to any permit issued under such program.
- (19) "Fuel burning equipment" means any furnace, boiler, apparatus, stack, or appurtenances thereto used in the process of burning fuel or other combustible material for the primary purpose of producing heat or power by indirect heat transfer.
- (20) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (21) "Hazardous air pollutant (HAP)" means any air pollutant listed as a hazardous air pollutant pursuant to section 112(b)(1) of the FCAA.
- (22) "Hazardous waste" has the meaning provided in 75-2-103(11), MCA.
- (23) "Hazardous waste incinerator" means any incinerator that incinerates hazardous waste.
- (24) "Incinerator" has the meaning provided in 75-2-103(12), MCA.
- (25) "Medical waste" has the meaning provided in 75-2-103(13), MCA.
- (26) "Montana state implementation plan" means the state implementation plan adopted by EPA for the state of Montana pursuant to the FCAA, found at 40 CFR Part 52, subpart BB.
- (27) "Multiple chamber incinerator" means any incinerator consisting of three or more refractory lined combustion furnaces in series physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned.
- (28) "Odor" means that property of an emission which stimulates the sense of smell.

- (29) "Opacity" means the degree, expressed in percent, to which emissions reduce the transmission of light and obscure the view of an object in the background. Where the presence of uncombined water is the only reason for failure of an emission to meet an applicable opacity limitation contained in this chapter, that limitation shall not apply. For the purpose of this chapter, opacity determination shall follow all requirements, procedures, specifications, and guidelines contained in 40 CFR Part 60, Appendix A, method 9, or by an in-stack transmissometer which complies with all requirements, procedures, specifications and guidelines contained in 40 CFR Part 60, Appendix B, performance specification 1.
- (30) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a source or alteration, or the authorized agent of the owner, or the person who is legally responsible for the overall operation of the source or alteration.
- (31) "Particulate matter" means any material, except water in uncombined form, that is or has been airborne, and exists as a liquid or a solid at standard conditions. For the purposes of this definition, standard conditions are defined in the applicable test method.
- (32) "Person" has the meaning provided in 75-2-103(15), MCA.
- (33) "PM" means all applicable definitions of particulate matter that specify an aerodynamic size class.
- (34) "PM-2.5" means particulate matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix L, and designated in accordance with 40 CFR Part 53, or by an equivalent method designated in accordance with 40 CFR Part 53.
- (35) "PM-10" means particulate matter with an aerodynamic diameter of less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix J, and designated in accordance with 40 CFR Part 53, or by an equivalent method designated in accordance with 40 CFR Part 53.
- (36) "PM-10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method as specified in 40 CFR Part 51, Appendix M and condensable emissions measured by an impinger method, or by an alternative equivalent test method approved by the department. If the use of an alternative test method requires approval by the administrator, that approval must also be obtained.
- (37) "Premises" means any property, piece of land or real estate or building.
- (38) "Solid waste" has the meaning provided in 75-2-103(18), MCA.
- (39) "Solid waste incinerator" means any incinerator that incinerates solid waste.
- (40) "Source" means any person, real property or personal property located on one or more contiguous or adjacent properties under the control of the same owner or operator which contributes or would contribute to air pollution, including associated control equipment that affects or would affect the nature, character, composition, amount or environmental impacts of air pollution.
- (41) "Stack, vent, or roof monitor" means any flue, conduit, chimney, vent, or duct arranged to conduct emissions.
- (42) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50, Appendix B.

- (43) "Volatile organic compounds (VOC)" means the same as defined in 40 CFR 51.100(s).
- (44) "Wood waste burner" means a device commonly called a tepee burner, silo, truncated cone, wigwam burner, or other similar burner commonly used by the wood products industry for the disposal of wood.

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

Implementing statute(s): Title 75, chapter 2, MCA

History: Eff. 12/31/72; AMD, 1978 MAR p. 1727, Eff. 12/29/78; AMD, 1982 MAR p. 697, Eff. 4/16/82; AMD, 1985 MAR p. 1326, Eff. 9/13/85; AMD, 1986 MAR p. 2007, Eff. 12/12/86; AMD, 1988 MAR p. 826, Eff. 4/29/88; AMD, 1993 MAR p. 2919, Eff. 12/10/93; AMD, 1995 MAR p. 2410, Eff. 11/10/95; AMD, 1996 MAR p. 1843, Eff. 7/4/96; TRANS, from DHES, 1996 MAR p. 2285; AMD, 1998 MAR p. 1725, Eff. 6/26/98; AMD, 2000 MAR p. 836, Eff. 3/31/00; AMD, 2001 MAR p. 976, Eff. 6/8/01; AMD, 2002 MAR p. 1747, Eff. 6/28/02; AMD, 2002 MAR p. 3567, Eff. 12/27/02; AMD, 2003 MAR p. 645, Eff. 4/11/03; AMD, 2006 MAR p. 1956, Eff. 8/11/06; AMD, 2015 MAR p. 370, Eff. 4/17/15; AMD, 2025 MAR, 17-451, Eff. 3/29/25.