



ADMINISTRATIVE RULES OF MONTANA



17.8.1222 GENERAL AIR QUALITY OPERATING PERMITS

- (1) The department may provide for a general air quality operating permit covering a source category with numerous similar sources, if it concludes that the category is appropriate for permitting on a generic basis.
- (2) The department may provide for a general permit based upon its own initiative or the application of a source within the source category. The department shall provide a notice and opportunity for public participation, consistent with ARM 17.8.1232. Such procedures may be combined with the rulemaking process before the department required for the adoption and incorporation by reference of a general permit.
- (3) A general permit may be used to establish terms and conditions to implement applicable requirements for a source category or for new requirements that apply to sources with existing general permits, or to establish federally enforceable caps on emissions from sources in a specific category.
- (4) A general permit may be appropriate under the following conditions:
 - (a) there are several permittees, permit applicants, or potential permit applicants who have the same or substantially similar operations, emissions, activities, or facilities;
 - (b) the permittees, permit applicants, or potential permit applicants emit the same types of regulated air pollutants;
 - (c) the operations, emissions, activities, or facilities are subject to the same or similar standards, limitations, and operating requirements; and
 - (d) the operations, emissions, activities or facilities are subject to the same or similar monitoring requirements.
- (5) A general air quality operating permit shall include those requirements set forth in ARM 17.8.1210(4) .
- (6) After a general permit has been proposed by the department and formally adopted by the department, a source that intends to operate under the terms of the general permit must provide written notice to the department before it may qualify for the general permit, as required by ARM 17.8.1205(3) (d) . Such notification shall identify the source, provide information sufficient to demonstrate that the source falls within the source category covered by the general permit and is capable of operating in compliance with the terms and conditions of the general permit, and include any additional information that may be specified in the general permit.
- (7) Without repeating the public participation procedures required under ARM 17.8.1232, the department may review a source's written notification, and based upon the information

submitted, confirm or deny that the source appears to both qualify for the general permit and be capable of operating in compliance with the terms and conditions of the general permit. The department may request such additional information from the source as may be necessary to make these findings. Such action is not a final permit action for purposes of board review.

- (8) The department shall act to make the necessary findings in (7) , within 90 days of receipt of the notification provided for in (6) , and shall provide written notice to the source of its findings.
- (9) A general permit shall provide that any source whose coverage under the general permit has been confirmed by the department pursuant to (7) , shall be entitled to the protection of the permit shield for all operations, activities, and emissions addressed by the general permit, unless and to the extent that it is subsequently determined that the source does not qualify for the conditions and terms of the general permit. If the source is later determined not to qualify for the conditions and terms of the general permit, the source may be subject to enforcement action for operation without an air quality operating permit.
- (10) The renewal of a general permit is subject to the same procedural requirements, including public participation, that apply to the initial issuance of general permits.
- (11) General air quality operating permits may not be authorized for affected sources under the acid rain program, unless otherwise provided in regulations promulgated under Title IV of the FCAA.

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, 2024 MAR p. 253, Eff. 2/10/24.