

State of Montana
Department of Environmental Quality
Helena, Montana 59620

AIR QUALITY OPERATING PERMIT NUMBER OP1629-01

Administrative Amendment Application Received: July 15, 2003
Application Deemed Administratively Complete: July 15, 2003
Application Deemed Technically Complete: July 15, 2003
AFS Number: 030-067-0002A

Date of Decision: September 17, 2003
Effective Date: October 20, 2003
Expiration Date: March 12, 2006

In accordance with the Montana Code Annotated sections 75-2-217 and 218, and the Administrative Rules of Montana (ARM) Title 17, Chapter 8, Subchapter 12, Operating Permit Program, ARM 17.8.1201, *et seq.*,

Park County Refuse Disposal District
SW¼ of Section 7, Township 2 South, Range 10 East, Park County
414 East Callender
P.O. Box 1212
Livingston, MT 59047

hereinafter, referred to as Park County, is authorized to operate a stationary source of air contaminants consisting of the emission units described in this permit. Until this permit expires or is modified or revoked, Park County is allowed to discharge air pollutants in accordance with the conditions of this permit. All conditions in this permit are federally and state enforceable unless otherwise specified. Requirements which are state only enforceable are identified as such in the permit. A copy of this permit must be kept on site at the above named facility.

Issued by the Department of Environmental Quality

Signature

Date

Permit Issuance and Appeal Process: In accordance with ARM 17.8.1210(j), the Department of Environmental Quality's (Department) decision regarding issuance of an operating permit is not effective until 30 days have elapsed from the date of the decision issued September 17, 2003. The decision may be appealed to the Board of Environmental Review by filing a request for a hearing within 30 days after the date of decision. If no appeal is filed then the Department will send notification and a final permit cover page to be attached to this document stating that the permit is final. Questions regarding the final issuance date and status of appeals should be directed to the Department at (406) 444-3490.

Montana Air Quality Operating Permit
Department of Environmental Quality

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Terms not otherwise defined in this permit or in the Definitions and Abbreviations Appendix of this permit have the meaning assigned to them in the referenced regulations.

SECTION I. GENERAL INFORMATION

The following general information is provided pursuant to ARM 17.8.1210(1).

Company Name: Park County Refuse Disposal District

Mailing Address: 414 East Callender, P.O. Box 1212

City: Livingston

State: MT

Zip: 59047

Plant Location: North M Street, Livingston, MT.

Legal Description: SW¹/₄ of Section 7, Township 2 South, Range 10 East, Park County, Montana.

Responsible Official: Ed Schilling

Phone: (406) 222-4106

Facility Contact Person: Ed Flatt

Phone: (406) 222-6232

Primary SIC Code: 4953

Nature of Business: Refuse Disposal, Incineration

Description of Process: The facility burns municipal waste in two Consumat CS-1600 incinerators, each having a capacity of 3000 lb/hour or 36 tons/day, for a total capacity of 72 tons/day at the facility. These are natural gas-fired multiple-chamber incinerators that have a heat exchanger module for steam production. The incinerators have a controlled air design for better combustion and are ducted through a common stack. For the purpose of this Title V Permit, the two 36-ton/day capacity Consumat CS-1600 incinerators are considered a single 72-ton/day capacity emitting unit because they vent to a single main stack.

The facility will burn municipal waste from the Livingston area, Yellowstone National Park, and possibly some wood waste from local sawmills. These latter wastes are referred to as industrial wastes and the Department required notification from Park County when plans were finalized on whether these or other industrial wastes will be burned at the facility.

Ash and other material not burned by the incinerator are removed and disposed of in a proper manner. This material will be wet and should not generate a dust problem while it is being handled.

SECTION II. SUMMARY OF EMISSION UNITS

The emission units regulated by this permit are the following (ARM 17.8.1211):

Emission Unit ID	Description	Pollution Control Device/Practice
EU001	Consumat CS-1600 Incinerator(s)	After-Burner
EU002	Fugitive Dust form Vehicle Traffic	Reasonable Precautions

SECTION III. PERMIT CONDITIONS

The following requirements and conditions are applicable to the facility or to specific emission units located at the facility (ARM 17.8.1211,1212, and 1213).

A. FACILITY-WIDE

Conditions	Rule Citation	Rule Description	Pollutant/Parameter	Limit
A.1	ARM 17.8.304(1)	Visible Air Contaminants	Opacity	40%
A.2	ARM 17.8.304(2)	Visible Air Contaminants	Opacity	20%
A.3	ARM 17.8.308(1)	Particulate Matter, Airborne	Fugitive Opacity	20%
A.4	ARM 17.8.308(2)	Particulate Matter, Airborne	Reasonable Precautions	-----
A.5	ARM 17.8.308	Particulate Matter, Airborne	Reasonable Precaution, Construction	20%
A.6	ARM 17.8.309	Particulate Matter, Fuel Burning Equipment	Particulate Matter	$E = 0.882 * H^{-0.1664}$ Or $E = 1.026 * H^{-0.233}$
A.7	ARM 17.8.310	Particulate Matter, Industrial Processes	Particulate Matter	$E = 4.10 * P^{0.67}$ or $E = 55 * P^{0.11} - 40$
A.8	ARM 17.8.322(4)	Sulfur Oxide Emissions, Sulfur in Fuel	Sulfur in Fuel (liquid or solid fuels)	1 lb/MMBtu fired
A.9	ARM 17.8.322(5)	Sulfur Oxide Emissions, Sulfur in Fuel	Sulfur in Fuel (gaseous)	50 gr/100 CF
A.10	ARM 17.8.1212	Reporting Requirements	Compliance Monitoring	-----
A.11	ARM 17.8.1207	Reporting Requirements	Annual Certification	-----

Conditions

- A.1. Pursuant to ARM 17.8.304(1), Park County shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed on or before November 23, 1968, that exhibit an opacity of 40% or greater averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit.
- A.2. Pursuant to ARM 17.8.304(2), Park County shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit.
- A.3. Pursuant to ARM 17.8.308(1), Park County shall not cause or authorize the production, handling, transportation, or storage of any material unless reasonable precautions to control emissions of airborne particulate matter are taken. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit.
- A.4. Pursuant to ARM 17.8.308(2), Park County shall not cause or authorize the use of any street, road or parking lot without taking reasonable precautions to control emissions of airborne particulate matter, unless otherwise specified by rule or in this permit.
- A.5. Pursuant to ARM 17.8.308, Park County shall not operate a construction site or demolition project unless reasonable precautions are taken to control emissions of airborne particulate matter. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit.

- A.6. Pursuant to ARM 17.8.309, unless otherwise specified by rule or in this permit, Park County shall not cause or authorize particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the outdoor atmosphere in excess of the maximum allowable emissions of particulate matter for existing fuel burning equipment and new fuel burning equipment, calculated using the following equations:

For existing fuel burning equipment (installed before November 23, 1968): $E = 0.882 * H^{-0.1664}$

For new fuel burning equipment (installed on or after November 23, 1968): $E = 1.026 * H^{-0.233}$

Where H is the heat input capacity in million BTU (MMBtu) per hour and E is the maximum allowable particulate emissions rate in pounds per MMBtu.

- A.7. Pursuant to ARM 17.8.310, unless otherwise specified by rule or in this permit, Park County shall not cause or authorize particulate matter to be discharged from any operation, process, or activity into the outdoor atmosphere in excess of the maximum hourly allowable emissions of particulate matter, calculated using the following equations:

For process weight rates up to 30 tons per hour: $E = 4.10 * P^{0.67}$

For process weight rates in excess of 30 tons per hour: $E = 55.0 * P^{0.11} - 40$

Where E is the rate of emissions in pounds per hour and P is the process weight rate in tons per hour.

- A.8. Pursuant to ARM 17.8.322(4), Park County shall not burn liquid or solid fuels containing sulfur in excess of 1 pound per million BTU fired, unless otherwise specified by rule or in this permit.
- A.9. Pursuant to ARM 17.8.322(5), Park County shall not burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, unless otherwise specified by rule or in this permit.
- A.10. On or before January 31 and July 31 of each year, Park County shall submit to the Department the compliance monitoring reports required by Section V.D. These reports must contain all information required by Section V.D, as well as the information required by each individual emission unit. For the reports due by January 31 of each year, Park County may submit a single report provided that it contains all the information required by Section V.B and V.D. Per ARM 17.8.1207,

any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12 (including semiannual monitoring reports), shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12, shall state that, “based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.”

- A.11. By January 31 of each year, Park County shall submit to the Department the compliance certification report required by Section V.B. The annual certification report required by Section V.B must include a statement of compliance based on the information available that identifies any observed, documented or otherwise known instance of noncompliance for each applicable requirement. Per ARM 17.8.1207,

any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12 (including annual certifications), shall contain certification by a responsible official of

truth, accuracy and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12, shall state that, **“based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.”**

B. EU001 – CONSUMAT CS-1600 INCINERATOR(S) (72 TON/DAY)

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration		Reporting Requirements
			Method	Frequency	
B.1, B.7, B.12, B.16	Opacity	10%	Method 9	As Required by the Department	Semiannual
B.2, B.7, B.12, B.16	Particulate Matter	0.08 gr/dscf	Method 5	As Required by the Department	Semiannual
B.3, B.8, B.13, B.16	Municipal Waste	Notification of Other Waste Incinerated	Recordkeeping	Ongoing	Semiannual
B.4, B.9, B.14, B.16	Secondary Combustion Chamber	1500°F When Combusting Municipal Waste	Install, Operate, and Maintain Temperature Gauge	Ongoing	Semiannual
B.5, B.10, B.14, B.16	Primary Combustion Chamber	Static Pressure of -0.1 to -0.5 Inches of Water	Install, Operate, and Maintain Pressure Gauge	Ongoing	Semiannual
B.6, B.11, B.15, B.16	NSPS Requirements: Incinerator 40 CFR Part 60 Subpart E	Applicable Requirements of 40 CFR Part 60 Subpart E	Recordkeeping	As Necessary	Semiannual

Conditions

- B.1. Park County shall not cause or authorize to be discharged into the atmosphere from the incinerator(s) any visible emissions that exhibit an opacity of 10% or greater (ARM 17.8.316, 17.8.340, and 17.8.752).
- B.2. Park County shall not cause or authorize to be discharged into the atmosphere from the incinerator(s) any particulate emissions in excess of 0.08 gr/dscf corrected to 12% CO₂ (40 CFR Part 60, Subpart E, and ARM 17.8.340 and 17.8.752).
- B.3. Park County shall provide written notice to the Department and obtain approval from the Department if material other than what would normally be termed municipal waste is to be incinerated (ARM 17.8.749).
- B.4. Park County shall maintain a minimum temperature of 1500° F in the secondary combustion chamber while incinerating municipal waste (1996 Consent Decree Judgement and Order).
- B.5. Park County shall maintain a static pressure of negative 0.1 to negative 0.5 inches of water across the primary combustion chamber (1996 Consent Decree Judgement and Order).
- B.6. Park County shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements of 40 CFR Part 60, Subpart E, for the incinerator (40 CFR Part 60, Subpart E, and ARM 17.8.340).

Compliance Demonstration

- B.7. As required by the Department, Park County shall perform a Method 9 and Method 5 source test in accordance with the Montana Source Test Protocol and Procedures Manual to monitor compliance with the emission limitations in Section III.B.1 and Section III.B.2, respectively (ARM 17.8.106).

- B.8. The compliance demonstration for obtaining written approval for the combustion of material other than what would normally be termed municipal waste, shall be accomplished through notification to the Department and recordkeeping maintained on site.
- B.9. Park County shall install, operate, and maintain a temperature recorder for the purpose of recording the secondary combustion chamber temperature (1996 Consent Decree Judgement and Order). The temperature recorder shall be used to monitor compliance with Section III.B.4.
- B.10. Park County shall install, operate, and maintain a pressure gauge to measure the pressure differential across the primary combustion chamber (1996 Consent Decree Judgement and Order). The pressure gauge shall be used to monitor compliance with Section III.B.5.
- B.11. Park County shall monitor compliance as required by 40 CFR Part 60, Subpart E (40 CFR Part 60, Subpart E).

Recordkeeping

- B.12. All source test reports from any source testing conducted during the reporting period must be maintained on site and must be submitted to the Department, upon request, in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
- B.13. Park County shall maintain on site, a log containing information regarding the incineration of material other than what would normally be termed municipal waste. The log shall include the date, time, material combusted, and the initials of the documenting personal. In addition, Park County shall maintain all request letters and Department responses as required in Section III.B.3.
- B.14. Park County shall maintain daily records of temperature gauge and pressure gauge readings as required in Section III.B.9 and III.B.10.
- B.15. Park County shall maintain on site, an operations log indicating compliance with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR Part 60, Subpart E.

Reporting

- B.16. The annual compliance certification report required by Section V.B must contain a certification statement for the above applicable requirements. The semiannual reporting shall provide:
 - a. The results of any source test conducted during the last reporting period as required by Section III.B.8;
 - b. A summary of all materials and instances where a material other than what would normally be termed municipal waste is incinerated as required in Section III.B.3;
 - c. A summary of temperature gauge readings as required in Section III.B.9;
 - d. A summary of pressure gauge readings as required in Section III.B.10; and
 - e. A summary of all recordkeeping and reporting requirements as required by 40 CFR Part 60 Subpart E.

C. EU002 – FUGITIVE DUST EMISSIONS FROM VEHICLE TRAFFIC

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration		Reporting Requirements
			Method	Frequency	
C.1, C.3, C.5, C.7	Opacity	20%	Method 9	As Required by the Department	Semi-annual
C.2, C.4, C.6, C.7	Opacity	20%	Reasonable Precautions	As Necessary	Semi-annual

Conditions

- C.1. Park County shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).
- C.2. Park County shall not cause or authorize the use of any access roads, parking lots, or the general plant area without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308(2)).

Compliance Demonstration

- C.3. As required by the Department, Park County shall perform a Method 9 test in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106). Each observation period shall be minimum of 6 minutes unless any one reading is 20% or greater; then the observation period shall be a minimum of 20 minutes or until a violation of the standard has been documented, whichever is a shorter period of time.
- C.4. Park County shall treat all unpaved portions of the access roads, parking lots, and general plant area with fresh water and/or chemical dust suppressant as necessary to maintain compliance with the reasonable precautions limitation (ARM 17.8.749).

Recordkeeping

- C.5. Method 9 test reports must be maintained on site and must be submitted to the Department in accordance with the Montana Source Test Protocol and Procedures Manual.
- C.6. Park County shall maintain on site, a log of the reasonable precautions taken as required by Section III.C.4. Each log entry must include the date, time, summary of action taken, and the initials of the documenting personnel.

Reporting

- C.7. The annual compliance certification report required by Section V.B must contain a certification statement for the above applicable requirements. The semiannual compliance monitoring reports shall include the following:
- A summary of any tests that have been completed during the last reporting period as required by Section III.C.5, and
 - A summary of the log of any corrective actions taken as required by Section III.C.6.

SECTION IV. NON-APPLICABLE REQUIREMENTS

Air Quality Administrative Rules of Montana (ARM) and Federal Regulations identified as not applicable to the facility or to a specific emission unit at the time of the permit issuance are listed below (ARM 17.8.1214). The following list does not preclude the need to comply with any new requirements that may become applicable during the permit term.

A. FACILITY-WIDE

The following table contains non-applicable requirements that are administrated by the Air and Waste Management Bureau of the Department of Environmental Quality.

Rule Citation	Reason
40 CFR Part 60, Subpart R	The facility does not have this emitting unit

B. EMISSION UNITS

The permit application identified applicable requirements; non-applicable requirements for individual or specific emission units were not listed. The Department has listed all non-applicable requirements in Section IV.A. These requirements relate to each specific unit, as well as facility wide.

SECTION V. GENERAL PERMIT CONDITIONS

A. COMPLIANCE REQUIREMENTS

ARM 17.8, Subchapter 12, Operating Permit Program, §1210 (2)(a)-(c) & (e), §1206(6)(b) and §1206(6)(c)

1. Park County must comply with all conditions of the permit. Any noncompliance with the terms or conditions of the permit constitutes a violation of the Montana Clean Air Act, and may result in enforcement action, permit modification, revocation and reissuance, or termination, or denial of a permit renewal application under ARM Title 17, Chapter 8, Subchapter 12.
2. The filing of a request by Park County for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
3. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. If appropriate, this factor may be considered as a mitigating factor in assessing a penalty for noncompliance with the applicable requirement if the source demonstrates both that the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations, and that such health, safety, or environmental impacts were unforeseeable and could not have otherwise been avoided.
4. Park County shall furnish to the Department, within a reasonable time set by the Department (not to be less than 15 days), any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, Park County shall also furnish to the Department copies of those records that are required to be kept pursuant to the terms of the permit. This subsection does not impair or otherwise limit the right of Park County to assert the confidentiality of the information requested by the Department, as provided in 75-2-05, MCA.
5. Any schedule of compliance for applicable requirements with which the source is not in compliance at the time of permit issuance shall be supplemental to, and shall not sanction noncompliance with the applicable requirements on which it is based.
6. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis unless a more detailed plan or schedule is required by the applicable requirement or the Department.

B. CERTIFICATION REQUIREMENTS

ARM 17.8, Subchapter 12, Operating Permit Program, §1207 and §1213(7)(a)&(c)-(d)

1. Any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12 shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12 shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
2. Compliance certifications shall be submitted by January 31 of each year, or more frequently if otherwise specified in an applicable requirement or elsewhere in the permit. Each certification must include the required information for the previous calendar year (i.e., January 1 – December 31).

3. Compliance certifications shall include the following:
 - a. The identification of each term or condition of the permit that is the basis of the certification;
 - b. The identification of the method(s) or other means used by the operator for determining the status of compliance with each term and condition during the certification period, consistent with ARM 17.8.1212;
 - c. The status of compliance with each term and condition for the period covered by the certification, *including whether compliance during the period was continuous or intermittent* (based on the method or means identified in ARM 17.8.1213(7)(c)(ii), as described above); and
 - d. Such other facts as the Department may require to determine the compliance status of the source.
4. All compliance certifications must be submitted to the Environmental Protection Agency, as well as to the Department, at the addresses listed in the Notification Addresses Appendix of this permit.

C. PERMIT SHIELD

ARM 17.8, Subchapter 12, Operating Permit Program, §1214(1)-(4)

1. The applicable requirements and non-federally enforceable requirements are included and specifically identified in this permit and the permit includes a concise summary of the requirements not applicable to the source. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements and any non-federally enforceable requirements as of the date of permit issuance.
2. The permit shield described in 1 above shall remain in effect during the appeal of any permit action (renewal, revision, reopening, revocation or reissuance) to the Board of Environmental Review (Board) until such time as the Board renders its final decision.
3. Nothing in this permit alters or affects the following:
 - a. The provisions of Sec. 7603 of the FCAA, including the authority of the administrator under the section;
 - b. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
 - c. The applicable requirements of the Acid Rain Program, consistent with Sec. 7651g(a) of the FCAA;
 - d. The ability of the administrator to obtain information from a source pursuant to Sec. 7414 of the FCAA;
 - e. The ability of the Department to obtain information from a source pursuant to the Montana Clean Air Act, Title 75, Chapter 2, MCA;
 - f. The emergency powers of the Department under the Montana Clean Air Act, Title 75, Chapter 2, MCA; and

- g. The ability of the Department to establish or revise requirements for the use of Reasonably Available Control Technology (RACT) as defined in ARM Title 17, Chapter 8. However, if the inclusion of a RACT into the permit pursuant to ARM Title 17, Chapter 8, Subchapter 12 is appealed to the Board, the permit shield, as it applies to the source's existing permit, shall remain in effect until such time as the Board has rendered its final decision.
4. Nothing in this permit alters or affects the ability of the Department to take enforcement action for a violation demonstrated pursuant to ARM 17.8.106, Source Testing Protocol.
5. Determinations of compliance, or noncompliance, are not restricted to the monitoring requirements listed in this permit; other available information may be used as allowed by Sec. 113(a) of the FCAA.
6. The permit shield will not extend to minor permit modifications or changes not requiring a permit revision (see sections I & J).
7. The permit shield will extend to significant permit modifications and transfer or assignment of ownership (see sections K & N).

D. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

ARM 17.8, Subchapter 12, Operating Permit Program, §1212(2) &(3)

1. Unless otherwise provided in this permit, Park County shall maintain compliance monitoring records that include the following information:
 - a. The date, place as defined in the permit, and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of such analyses; and
 - f. The operating conditions at the time of sampling or measurement.
2. Park County shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, and application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. All monitoring data, support information, and required reports and summaries may be maintained in a computerized form at the plant site if the information is made available to Department personnel upon request, which may be for either hard copies or computerized format. Strip-charts must be retained in their original form at the plant site and shall be made available to Department personnel upon request.
3. Park County shall submit to the Department, at the addresses listed in the Notification Addresses Appendix of this permit, reports of any required monitoring by January 31 and July 31 of each year, or more frequently if otherwise specified in an applicable requirement or elsewhere in the permit. The monitoring report submitted on January 31 of each year must include the required monitoring information for the period of July 1 through December 31 of the previous year. The monitoring report submitted on July 31 of each year must include the required monitoring information for the period of January 1 through June 30 of the current year. All instances of deviations from the permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with ARM 17.8.1207.

E. PROMPT DEVIATION REPORTING

ARM 17.8, Subchapter 12, Operating Permit Program, §1212(3)(c)

Park County shall promptly report deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. To be considered prompt, deviations shall be reported as part of the routine reporting requirements under ARM 17.8.1212(3)(b) and, if applicable, in accordance with the malfunction reporting requirements under ARM 17.8.110, unless otherwise specified in an applicable requirement.

F. EMERGENCY PROVISIONS

ARM 17.8, Subchapter 12, Operating Permit Program, §1201(13) and §1214(5), (6)&(8)

1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of reasonable preventative maintenance, careless or improper operation, or operator error.
2. An emergency constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if Park County demonstrates through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An emergency occurred and Park County can identify the cause(s) of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During the period of the emergency, Park County took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
 - d. Park County submitted notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirements of ARM 17.8.1212(3)(c). This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
3. These emergency provisions are in addition to any emergency, malfunction or upset provision contained in any applicable requirement.

G. INSPECTION AND ENTRY

ARM 17.8, Subchapter 12, Operating Permit Program, §1213(3)&(4)

1. Upon presentation of credentials and other documents as may be required by law, Park County shall allow the Department, the administrator or an authorized representative (including an authorized contractor acting as a representative of the Department or the administrator) to perform the following:
 - a. Enter the premises where a source required to obtain a permit is located or emission-related activity is conducted, or where records must be kept under the conditions of the permit;
 - b. Have access to and copy at reasonable times any records that must be kept under the conditions of the permit;

- c. Inspect at reasonable times any facilities, emission unit, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
 - d. As authorized by the Montana Clean Air Act and rules promulgated thereunder, sample or monitor at reasonable times any substances or parameters at any location for the purpose of assuring compliance with permit or applicable requirements.
2. Park County shall inform the inspector of all applicable workplace safety rules or requirements at the time of the inspection. This section shall not limit in any manner the Department's statutory right of entry and inspection as provided for in 75-2-403, MCA.

H. FEE PAYMENT

ARM 17.8, Subchapter 12, Operating Permit Program, §1210(2)(f), and ARM 17.8, Subchapter 5, Air Quality Permit Application, Operation and Open Burning Fees, §505(3)-(5) (STATE ONLY)

1. Park County must pay application and operating fees pursuant to ARM Title 17, Chapter 8, Subchapter 5.
2. Annually, the Department shall provide Park County with written notice of the amount of the fee and the basis for the fee assessment. The air quality operation fee is due 30 days after receipt of the notice, unless the fee assessment is appealed pursuant to ARM 17.8.511. If any portion of the fee is not appealed, that portion of the fee that is not appealed is due 30 days after receipt of the notice. Any remaining fee, which may be due after completion of an appeal, is due immediately upon issuance of the Board's decision or upon completion of any judicial review of the Board's decision.
3. If Park County fails to pay the required fee (or any required portion of an appealed fee) within 90 days after the due date of the fee, the Department may impose an additional assessment of 15% of the fee (or any required portion of an appealed fee) or \$100, whichever is greater, plus interest on the fee (or any required portion of an appealed fee) computed at the interest rate established under 15-31-510(3), MCA.

I. MINOR PERMIT MODIFICATIONS

ARM 17.8, Subchapter 12, Operating Permit Program, §1226(3)&(11)

1. An application for a minor permit modification need only address in detail those portions of the permit application that require revision, updating, supplementation, or deletion, and may reference any required information that has been previously submitted.
2. The permit shield under ARM 17.8.1214 will not extend to any minor modifications processed pursuant to ARM 17.8.1226.

J. CHANGES NOT REQUIRING PERMIT REVISION

ARM 17.8, Subchapter 12, Operating Permit Program, §1224(1)-(3), (5)&(6)

1. Park County is authorized to make changes within the facility as described below, providing the following conditions are met.
 - a. The proposed changes do not require Park County to obtain an air quality preconstruction permit under ARM Title 17, Chapter 8, Subchapter 7;
 - b. The proposed changes are not modifications under Title I of the FCAA, or as defined in ARM Title 17, Chapter 8, Subchapters 8, 9 or 10;

- c. The emissions resulting from the proposed changes do not exceed the emissions allowable under the permit, whether expressed as a rate of emissions or in total emissions;
 - d. The proposed changes do not alter permit terms that are necessary to enforce applicable emission limitations on emission units covered by the permit; and
 - e. The facility provides the administrator and the Department with written notification at least 7 days prior to making the proposed changes.
2. Park County and the Department shall attach each notice provided pursuant to 1.e, above, to their respective copies of this permit.
 3. Pursuant to the conditions above, Park County is authorized to make Sec. 502(b)(10) changes, as defined in ARM Title 17, Chapter 8, Subchapter 12, without a permit revision. For each such change, the written notification required under 1.e above, shall include a description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
 4. Park County may make a change not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided that the following conditions are met.
 - a. Each proposed change does not weaken the enforceability of any existing permit conditions;
 - b. The Department has not objected to such change;
 - c. Each proposed change meets all applicable requirements and does not violate any existing permit term or condition; and
 - d. Park County provides contemporaneous written notice to the Department and the administrator of each change that is above the level for insignificant emission units as defined in ARM 17.8.1201 (22) and 17.8.1206(3), and the written notice describes each such change, including the date of the change, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
 5. The permit shield authorized by ARM 17.8.1214 shall not apply to changes made pursuant to ARM 17.8.1224(3) and ARM 17.8.1224(5), but is applicable to terms and conditions that allow for increases and decreases in emissions pursuant to ARM 17.8.1224(4).

K. SIGNIFICANT PERMIT MODIFICATIONS

ARM 17.8, Subchapter 12, Operating Permit Program, §1227(1), (3)&(4)

1. The modification procedures set forth in 2 below must be used for any application requesting a significant modification of this permit. Significant modifications include the following:
 - a. Any permit modification that does not qualify as either a minor modification or as an administrative permit amendment;
 - b. Every significant change in existing permit monitoring terms or conditions;
 - c. Every relaxation of permit reporting or recordkeeping terms or conditions that limit the Department's ability to determine compliance with any applicable rule, consistent with the requirements of the rule; or
 - d. Any other change determined by the Department to be significant.

2. Significant modifications shall meet all requirements of ARM Title 17, Chapter 8, including those for applications, public participation, and review by affected states and the administrator, as they apply to permit issuance and renewal, except that an application for a significant permit modification need only address in detail those portions of the permit application that require revision, updating, supplementation, or deletion.
3. The permit shield provided for in ARM 17.8.1214 shall extend to significant modifications.

L. REOPENING FOR CAUSE

ARM 17.8, Subchapter 12, Operating Permit Program, §1228(1)&(2)

1. This permit may be reopened and revised under the following circumstances:
 - a. Additional applicable requirements under the FCAA become applicable to the facility when the permit has a remaining term of 3 or more years. Reopening and revision of the permit shall be completed not later than 18 months after promulgation of the applicable requirement. No reopening is required under ARM 17.8.1228(1)(a) if the effective date of the applicable requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to ARM 17.8.1220(12) or 17.8.1221(2);
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the administrator, excess emission offset plans shall be deemed to be incorporated into the permit;
 - c. The Department or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emission standards or other terms or conditions of the permit; or
 - d. The administrator or the Department determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

M. PERMIT EXPIRATION AND RENEWAL

ARM 17.8, Subchapter 12, Operating Permit Program, §1210(2)(g), §1220(11)&(12), and §1205(2)(d)

1. This permit is issued for a fixed term of 5 years.
2. Renewal of this permit is subject to the same procedural requirements that apply to permit issuance, including those for applications, content, public participation, and affected state and administrator review.
3. Expiration of this permit terminates Park County 's right to operate unless a timely and administratively complete permit renewal application has been submitted consistent with ARM 17.8.1221 and 17.8.1205(2)(d). If a timely and administratively complete application has been submitted, all terms and conditions of the permit, including the application shield, remain in effect after the permit expires until the permit renewal has been issued or denied.
4. For renewal, Park County shall submit a complete air quality operating permit application to the Department not later than 6 months prior to the expiration of this permit, unless otherwise specified. If necessary to ensure that the terms of the existing permit will not lapse before renewal, the Department may specify in writing to Park County a longer time period for submission of the renewal application. Such written notification must be provided at least 1 year before the renewal application due date established in the existing permit.

N. SEVERABILITY CLAUSE

ARM 17.8, Subchapter 12, Operating Permit Program, §1210(i)&(l)

1. The administrative appeal or subsequent judicial review of the issuance by the Department of an initial permit under this subchapter shall not impair in any manner the underlying applicability of all applicable requirements, and such requirements continue to apply to the source as if a final permit decision had not been reached by the Department.
2. If any provision of a permit is found to be invalid, all valid parts that are severable from the invalid part remain in effect. If a provision of a permit is invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid applications.

O. TRANSFER OR ASSIGNMENT OF OWNERSHIP

ARM 17.8, Subchapter 12, Operating Permit Program, §1225(2)&(4)

1. If an administrative permit amendment involves a change in ownership or operational control, the applicant must include in its request to the Department a written agreement containing a specific date for the transfer of permit responsibility, coverage, and liability between the current and new permittee.
2. The permit shield provided for in ARM 17.8.1214 shall extend to administrative permit amendments.

P. EMISSION TRADING, MARKETABLE PERMITS, ECONOMIC INCENTIVES

ARM 17.8, Subchapter 12, Operating Permit Program, §1226(2)

Notwithstanding ARM 17.8.1226(1) and (7), minor air quality operating permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in the Montana State Implementation Plan or in applicable requirements promulgated by the administrator.

Q. NO PROPERTY RIGHTS CONVEYED

ARM 17.8, Subchapter 12, Operating Permit Program, §1210(2)(d)

This permit does not convey any property rights of any sort, or any exclusive privilege.

R. TESTING REQUIREMENTS

ARM 17.8, Subchapter 1, General Provisions, §105

Park County shall comply with ARM 17.8.105.

S. SOURCE TESTING PROTOCOL

ARM 17.8, Subchapter 1, General Provisions, §106

Park County shall comply with ARM 17.8.106.

T. MALFUNCTIONS

ARM 17.8, Subchapter 1, General Provisions, §110

Park County shall comply with ARM 17.8.110.

U. CIRCUMVENTION

ARM 17.8, Subchapter 1, General Provisions, §111

Park County shall comply with ARM 17.8.111.

V. MOTOR VEHICLES

ARM 17.8, Subchapter 3, Emission Standards, §325

Park County shall comply with ARM 17.8.325.

W. ANNUAL EMISSION INVENTORY

ARM 17.8, Subchapter 5, Air Quality Permit Application, Operation and Open Burning Fees, §505 (STATE ONLY)

Park County shall supply the Department with annual production and other information for all emission units necessary to calculate actual or estimated actual amount of air pollutants emitted during each calendar year. Information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request, unless otherwise specified in this permit. Information shall be in the units required by the Department.

X. OPEN BURNING

ARM 17.8, Subchapter 6, Open Burning, §§604, 605 and 606

Park County shall comply with ARM 17.8.604, 605 and 606.

Y. PRECONSTRUCTION PERMITS

ARM 17.8, Subchapter 7, Permit, Construction and Operation of Air Contaminant Sources, §745 and 764 (ARM 17.8.745(1), and 764(1)(b) are STATE ENFORCEABLE ONLY until approved by EPA as part of SIP)

1. Except as specified, no person shall construct, install, alter, or use any air contaminant source or stack associated with any source without first obtaining a permit from the Department or Board. A permit is not required for those sources or stacks as specified by ARM 17.8.744 (1)(a) - (k).
2. The permittee shall comply with ARM 17.8.743, 744, 745, 748, and 764.
3. ARM 17.8.745(1) specifies de minimis changes as construction or changed conditions of operation at a facility holding an air quality preconstruction permit issued under Chapter 8 that does not increase the facility's potential to emit by more than 15 tons per year of any pollutant except (STATE ENFORCEABLE ONLY until approved by EPA as part of the SIP):
 - a. Any construction or changed condition that would violate any condition in the facility's existing air quality preconstruction permit or any applicable rule contained in Chapter 8 is prohibited, except as provided in ARM 17.8.745(2);
 - b. Any construction or changed conditions of operation that would qualify as a major modification under subchapters 8, 9, or 10 of Chapter 8;
 - c. Any construction or changed condition of operation that would affect the plume rise or dispersion characteristic of emissions that would cause or contribute to a violation of an ambient air quality standard or ambient air increment as defined in ARM 17.8.804;

- d. Any construction or improvement project with a potential to emit more than 15 tons per year may not be artificially split into smaller projects to avoid air quality preconstruction permitting; or
 - e. Emission reductions obtained through offsetting within a facility are not included when determining the potential emission increase from construction or changed conditions of operation, unless such reductions are made federally enforceable.
4. Any facility making a de minimis change pursuant to ARM 17.8.745(1) shall notify the Department if the change would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit. The notice must be submitted to the Department, in writing, 10 days prior to start up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(1) (STATE ENFORCEABLE ONLY until approved by EPA as part of the SIP).

Z. NATIONAL EMISSION STANDARD FOR ASBESTOS
40 CFR Part 61, Subpart M

Park County shall not conduct any asbestos abatement activities except in accordance with 40 CFR Part 61, Subpart M (National Emission Standard for Hazardous Air Pollutants for Asbestos).

AA. ASBESTOS
ARM 17.74, Subchapter 3, General Provisions, and Subchapter 4, Fees

Park County shall comply with ARM 17.74.301, *et seq.* and ARM 17.74.401, *et seq.* (STATE ONLY).

BB. STRATOSPHERIC OZONE PROTECTION – SERVICING OF MOTOR VEHICLE AIR CONDITIONERS
40 CFR Part 82, Subpart B

If Park County performs a service on motor vehicles and this service involves ozone-depleting substance/refrigerant in the motor vehicle air conditioner (MVAC), Park County is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B.

CC. STRATOSPHERIC OZONE PROTECTION – RECYCLING AND EMISSION REDUCTIONS
40 CFR Part 82, Subpart F

Park County shall comply with the standards for recycling and emission reduction in 40 CFR Part 82, Subpart F, except as provided for MVACs in Subpart B.

1. Persons opening appliances for maintenance, service, repair or disposal must comply with the required practice pursuant to §82.156.
2. Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
3. Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technical certification program pursuant to §82.161.

4. Persons disposing of small appliances, MVACs, and MVAC-like (as defined at §82.152) appliances must comply with recordkeeping requirements pursuant to §82.166.
5. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
6. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.

DD. EMERGENCY EPISODE PLAN

Park County shall comply with the requirements contained in Chapter 9.7 of the State of Montana Air Quality Control Implementation Plan.

Each major source emitting 100 tons per year located in a Priority I Air Quality Control Region shall submit to the Department a legally enforceable Emergency Episode Action Plan (EEAP) that details how the source will curtail emissions during an air pollutant emergency episode. The industrial EEAP shall be in accordance with the Department's EEAP and be submitted according to a timetable developed by the Department following Priority I reclassification.

EE. DEFINITIONS

Terms not otherwise defined in this permit or in the Definitions and Abbreviations Appendix of this permit shall have the meaning assigned to them in the referenced regulation.

APPENDICES

App. A RULE CITATION

Pursuant to Chapter 418, Laws of Montana 1995, effective July 1, 1995, the Air Quality Division was transferred from the Department of Health and Environmental Sciences to the Department of Environmental Quality. To implement the legislation, ARM 16.8.101 through ARM 16.8.2025, and 16.9.101 through 16.9.106, except any repealed rules, were transferred to the Department of Environmental Quality as ARM 17.8.101 through 17.8.1234 and 17.80.101 through 17.80.106 effective August 22, 1996. On September 19, 1997, the rule transfer was submitted to EPA and is pending approval as part of the State Implementation Plan (SIP). The old citations are still cited in the SIP until EPA approves the rule transfer.

NEW CITATION

OLD CITATION

Sub-chapter 1 – General Provisions

17.8.101	Definitions	16.8.701
17.8.102	Incorporation by Reference - Publication Dates and Availability of Referenced Documents	16.8.710
17.8.103	Incorporation by Reference	16.8.708
17.8.105	Testing Requirements	16.8.704
17.8.106	Source Testing Protocol	16.8.709
17.8.110	Malfunctions	16.8.705
17.8.111	Circumvention	16.8.707
17.8.120	Variance Procedures – Initial Application	16.8.101
17.8.121	Variance Procedures – Renewal Application	16.8.102
17.8.130	Enforcement Procedures – Notice of Violation –Order to Take Corrective Action	16.8.201
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17.8.204	Ambient Air Monitoring	16.8.807
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17.8.210	Ambient Air Quality Standards for Sulfur Dioxide	16.8.820
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17.8.310	Particulate Matter, Industrial Processes	16.8.1403
17.8.315	Odors	16.8.1427
17.8.316	Incinerators	16.8.1406
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17.8.321	Kraft Pulp Mills	16.8.1413
17.8.322	Sulfur Oxide Emissions – Sulfur in Fuel	16.8.1411
17.8.323	Sulfur Oxide Emissions – Primary Copper Smelters	16.8.1412
17.8.324	Hydrocarbon Emissions – Petroleum Products	16.8.1425
17.8.325	Motor Vehicles	16.8.1426
17.8.326	Prohibited Materials for Wood or Coal Residential Stoves	16.8.1428
17.8.330	Emission Standards for Existing Aluminum Plants- Definitions	16.8.1501
17.8.331	Emission Standards for Existing Aluminum Plants- Standards for Fluoride	16.8.1502
17.8.332	Emission Standards for Existing Aluminum Plants- Standard	16.8.1503
17.8.333	Emission Standards for Existing Aluminum Plants - Monitoring and Reporting	16.8.1504
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17.8.340	Standard of Performance for New Stationary Sources	16.8.1423
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17.8.402	Requirements	16.8.1205
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17.8.504	Air Quality Permit Application Fees	16.8.1905
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17.8.510	Annual Review	16.8.1902
17.8.511	Air Quality Permit Application/Operation Fee	16.8.1906
17.8.514	Air Quality Open Burning Fees	16.8.1907
17.8.515	Air Quality Open Burning Fees for Conditional, Emergency, Christmas Tree Waste, and Commercial Film Production Open Burning Permits	16.8.1908

Sub-chapter 6 – Open Burning

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17.8.602	Incorporation by Reference	16.8.1311
17.8.604	Prohibited Open Burning – When Permit Required	16.8.1302
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17.8.606	Minor Open Burning Source Requirements	16.8.1303

17.8.610	Major Open Burning Source Restrictions	16.8.1304
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Sub-chapter 7 – Permit, Construction and Operation of Air Contaminant Sources

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17.8.767	Incorporation by Reference	16.8.1120
17.8.748	General Procedures for Air Quality Preconstruction Permitting	16.8.1119
17.8.744	When Permit Required – Exclusions	16.8.1102
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Sub-chapter 8 – Prevention of Significant Deterioration of Air Quality

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17.8.902	Incorporation by Reference	16.8.1702
17.8.904	When Air Quality Preconstruction Permit Required	16.8.1703
17.8.905	Additional Conditions of Air Quality Preconstruction Permit	16.8.1704
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Sub-chapter 10 – Preconstruction Permit Requirements for Major Stationary Sources or Major Modifications Located Within Attainment or Unclassified Areas

17.8.1001	Definitions	16.8.1801
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17.8.1211	Requirements for Air Quality Operating Permit Content Relating to Emission Limitations and Standards, and Other Requirements	16.8.2009
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Chapter 80 – Air and Water Quality – Tax Certification

Sub-chapter 1 – Tax Certification for Pollution Control Equipment

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App. B INSIGNIFICANT EMISSION UNITS

Disclaimer: The information in this appendix is not State or Federally enforceable, but is presented to assist Park County, the permitting authority, inspectors, and the public.

Pursuant to ARM 17.8.1201(22)(a), an insignificant emission unit means any activity or emission unit located within a source that: (i) has a potential to emit less than 5 tons per year of any regulated pollutant; (ii) has a potential to emit less than 500 pounds per year of lead; (iii) has a potential to emit less than 500 pounds per year of hazardous air pollutants listed pursuant to Sec. 7412 (b) of the FCAA; and (iv) is not regulated by an applicable requirement, other than a generally applicable requirement that applies to all emission units subject to Subchapter 12.

List of Insignificant Activities:

Park County did not list any insignificant sources as part of the Title V Operating Permit application submitted on March 1, 1995, or the application submitted on June 2, 1995. However, as part of the Title V permit application, Park County listed ash removal as a significant source of emissions. After further review, the Department has determined that ash removal (water saturated ash) at the facility will be considered an insignificant source of emissions at the facility. Because Park County did not list any insignificant sources in the application, the Department will not identify any additional insignificant sources of emissions.

App. C DEFINITIONS and ABBREVIATIONS

"Act" means the Clean Air Act, as amended, 42 U.S. 7401, *et seq.*

"Administrative permit amendment" means an air quality operating permit revision that:

- (a) Corrects typographical errors;
- (b) Identifies a change in the name, address or phone number of any person identified in the air quality operating permit, or identifies a similar minor administrative change at the source;
- (c) Requires more frequent monitoring or reporting by Park County;
- (d) Requires changes in monitoring or reporting requirements that the Department deems to be no less stringent than current monitoring or reporting requirements;
- (e) Allows for a change in ownership or operational control of a source if the Department has determined that no other change in the air quality operating permit is necessary, consistent with ARM 17.8.1225; or
- (f) Incorporates any other type of change that the Department has determined to be similar to those revisions set forth in (a)-(e), above.

"Applicable requirement" means all of the following as they apply to emission units in a source requiring an air quality operating permit (including requirements that have been promulgated or approved by the Department or the administrator through rule making at the time of issuance of the air quality operating permit, but have future-effective compliance dates, provided that such requirements apply to sources covered under the operating permit):

- (a) Any standard, rule, or other requirement, including any requirement contained in a consent decree or judicial or administrative order entered into or issued by the Department, that is contained in the Montana state implementation plan approved or promulgated by the administrator through rule making under Title I of the FCAA;
- (b) Any federally enforceable term, condition or other requirement of any air quality preconstruction permit issued by the Department under subchapters 7, 8, 9 and 10 of this chapter, or pursuant to regulations approved or promulgated through rule making under Title I of the FCAA, including parts C and D;
- (c) Any standard or other requirement under Sec. 7411 of the FCAA, including Sec. 7411(d);
- (d) Any standard or other requirement under Sec. 7412 of the FCAA, including any requirement concerning accident prevention under Sec. 7412(r)(7), but excluding the contents of any risk management plan required under Sec. 7412(r);
- (e) Any standard or other requirement of the Acid Rain Program under Title IV of the FCAA or regulations promulgated thereunder;
- (f) Any requirements established pursuant to Sec. 7661c(b) or Sec. 7414(a)(3) of the FCAA;
- (g) Any standard or other requirement governing solid waste incineration, under Sec. 7429 of the FCAA;

- (h) Any standard or other requirement for consumer and commercial products, under Sec. 7511b(e) of the FCAA;
- (i) Any standard or other requirement for tank vessels, under Sec. 7511b(f) of the FCAA;
- (j) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the administrator determines that such requirements need not be contained in an air quality operating permit;
- (k) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the FCAA, but only as it would apply to temporary sources permitted pursuant to Sec. 7661c(e) of the FCAA; or
- (l) Any federally enforceable term or condition of any air quality open burning permit issued by the Department under subchapter 6.

"Department" means the Montana Department of Environmental Quality.

"Emission unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Sec. 7412(b) of the FCAA. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the FCAA.

"FCAA" means the Federal Clean Air Act, as amended.

"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.

"Fugitive emissions" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"General air quality operating permit" or "general permit" means an air quality operating permit that meets the requirements of ARM 17.8.1222, covers multiple sources in a source category, and is issued in lieu of individual permits being issued to each source.

"Hazardous air pollutant" means any air pollutant listed as a hazardous air pollutant pursuant to Sec. 112(b) of the FCAA.

"Non-federally enforceable requirement" means the following as they apply to emission units in a source requiring an air quality operating permit:

- (a) Any standard, rule, or other requirement, including any requirement contained in a consent decree, or judicial or administrative order entered into or issued by the Department, that is not contained in the Montana State Implementation Plan approved or promulgated by the administrator through rule making under Title I of the FCAA;
- (b) Any term, condition or other requirement contained in any air quality preconstruction permit issued by the Department under subchapters 7, 8, 9 and 10 of this chapter that is not federally enforceable;

- (c) Does not include any Montana ambient air quality standard contained in Subchapter 2 of this chapter.

"Permittee" means the owner or operator of any source subject to the permitting requirements of this subchapter, as provided in ARM 17.8.1204, that holds a valid air quality operating permit or has submitted a timely and complete permit application for issuance, renewal, amendment, or modification pursuant to this subchapter.

"Regulated air pollutant" means the following:

- (a) Nitrogen oxides or any volatile organic compounds;
- (b) Any pollutant for which a national ambient air quality standard has been promulgated;
- (c) Any pollutant that is subject to any standard promulgated under Sec. 7411 of the FCAA;
- (d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA; or
- (e) Any pollutant subject to a standard or other requirement established or promulgated under Sec. 7412 of the FCAA, including but not limited to the following:
 - (i) Any pollutant subject to requirements under Sec. 7412(j) of the FCAA. If the administrator fails to promulgate a standard by the date established in Sec. 7412(e) of the FCAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established in Sec. 7412(e) of the FCAA;
 - (ii) Any pollutant for which the requirements of Sec. 7412(g)(2) of the FCAA have been met but only with respect to the individual source subject to Sec. 7412(g)(2) requirement.

"Responsible official" means one of the following:

- (a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (ii) The delegation of authority to such representative is approved in advance by the Department.
- (b) For a partnership or sole proprietorship: a general partner or the proprietor; respectively.
- (c) For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of the environmental protection agency).

- (d) For affected sources: the designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated thereunder are concerned, and the designated representative for any other purposes under this subchapter.

Abbreviations:

ARM	Administrative Rules of Montana
ASTM	American Society of Testing Materials
BACT	Best Available Control Technology
BDT	bone dry tons
BTU	British Thermal Unit
CFR	Code of Federal Regulations
CO	carbon monoxide
DEQ	Department of Environmental Quality
dscf	dry standard cubic foot
dscfm	dry standard cubic foot per minute
EEAP	Emergency Episode Action Plan
EPA	U.S. Environmental Protection Agency
EPA Method	Test methods contained in 40 CFR 60, Appendix A
EU	emission unit
FCAA	Federal Clean Air Act
gr	grains
HAP	hazardous air pollutant
IEU	insignificant emission unit
Mbdft	thousand board feet
Method 5	40 CFR 60, Appendix A, Method 5
Method 9	40 CFR 60, Appendix A, Method 9
MMbdft	million board feet
MMBTU	million British Thermal Units
NO _x	oxides of nitrogen
NO ₂	nitrogen dioxide
O ₂	oxygen
Pb	lead
PM	particulate matter
PM-10	particulate matter less than 10 microns in size
psi	pounds per square inch
scf	standard cubic feet
SIC	Source Industrial Classification
SO ₂	sulfur dioxide
SO _x	oxides of sulfur
tpy	tons per year
U.S.C.	United States Code
VE	visible emissions
VOC	volatile organic compound

App. D NOTIFICATION ADDRESSES

Compliance Notifications:

Montana Department of Environmental Quality
Permitting and Compliance Division
Air & Waste Management Bureau
P.O. Box 200901
Helena, MT 59620-0901

United States EPA
Air Program Coordinator
Region VIII, Montana Office
10 W. 15th Street, Suite 3200
Helena, MT 59626

Permit Modifications:

Montana Department of Environmental Quality
Permitting and Compliance Division
Air & Waste Management Bureau
P.O. Box 200901
Helena, MT 59620-0901

Office of Partnerships and Regulatory Assistance
Air and Radiation Program
US EPA Region VIII 8P-AR
999 18th Street, Suite 500
Denver, CO 80202-2466

App. E AIR QUALITY INSPECTOR INFORMATION

Disclaimer: The information in this appendix is not State or Federally enforceable but is presented to assist Park County, permitting authority, inspectors, and the public.

- 1. Direction to Plant:** The facility is located on North M Street in Livingston, Montana.
- 2. Safety Equipment Required:** Hard hat, steel toed footwear, and safety glasses.
- 3. Facility Plot Plan:** The facility plot plan was submitted as part of the original permit application and is on file with the Department.