Date of Mailing: December 31, 2015

Name of Applicant: The Nature Conservancy of Montana

Source: Major Open Burn Permit

To Whom It May Concern,

The enclosed Montana Major Open Burn Permit is deemed final as of December 31, 2015, by the Department of Environmental Quality (Department). All conditions of the Department's Decision remain the same. Enclosed is a copy of your permit with the final date indicated.

For the Department,

Sincerely,

Rhonda Payne
Air Quality Bureau
Phone: 406.444.5287
E-Mail: repayne@mt.gov

RP:
Enclosure

Montana Air Quality Major Open Burning Permit

Issued To:	The Nature Conservancy of Montana P.O. Box 8316 Missoula, MT 59807 406.543.6681 Steve Kloetzel skloetzelt@tnc.org	Permit #: SM-0007 Permit Application Received: 11/23/2015 Department Decision on Application: 12/15/2015 Permit Final: 12/31/2015 Expiration Date: 12/31/2016

An air quality major open burning (MOB) permit is hereby issued to The Nature Conservancy of Montana pursuant to the Administrative Rules of Montana (ARM) 17.8.601, *et seq*. under the following terms and conditions:

Section I: Permitted Activities

The Nature Conservancy of Montana (Permittee) is permitted to conduct prescribed wildland open burning activities in Montana in which descriptions have been provided to the Department of Environmental Quality (Department). Planned, scheduled management-ignited burn descriptions shall be submitted to the Department prior to any burn. All burns must be conducted in accordance with this MOB permit.

All burns shall be submitted to the Monitoring Unit of the Montana/Idaho Airshed Group in accord with the Smoke Management Unit's Operations Guide, and all burns must be approved through the airshed group process prior to ignition.

Section II: Limitations and Conditions

A. Emission Limitations and Control Requirements

1. Anyone conducting burning for their own use, as a service to an unrelated entity, or burning conducted by proxy, shall comply with Best Available Control Technology (BACT) during ignition and/or throughout the duration of burning by employing such techniques and methods that may include:

   a. Scheduling of burning during periods and seasons of good ventilation;

   b. Applying dispersion forecasts;

   c. Utilizing predictive modeling results;

   d. Limiting the amount of burning to be performed during any one time;

   e. Using ignition and burning techniques which minimize smoke production;

   f. Selecting fuel preparation methods that will minimize dirt and moisture content;

g. Promoting fuel configurations which create an adequate air to fuel ratio;

h. Prioritizing burning as to air quality impact and assigning control techniques accordingly;

i. Promoting alternative treatments and uses of materials to be burned; and

j. Selecting sites that will minimize smoke impacts.

2. Permittee shall not burn prohibited materials as listed in ARM 17.8.604. Prohibited materials include, but are not limited to, garbage; building demolition waste; Styrofoam and other plastics; rubber materials; treated lumber and timbers; and dead animals or dead animal parts. Consult ARM 17.8.604 for an extensive list.

3. Permittee shall only conduct burning for the purposes of hazard reduction, site preparation for regeneration, range improvement, wildlife habitat improvement, control of forest pests and diseases, and any other accepted silvicultural practice.

4. Permittee shall notify the fire control authority having jurisdiction in the area of burning/events prior to ignition. An additional fire safety permit may be required from the appropriate fire control authority.

5. Permittee shall have appropriate fire control available during the course of burning.

6. All burning conducted under this MOB permit shall be done in a manner such that no public nuisance is created. Section 27-30-101, Montana Code Annotated (MCA) defines nuisance as anything which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin or any public park, square, street, or highway. Enforcement of this requirement would likely reside outside of the Department.

7. During the period of September 1 through November 30 and prior to conducting burning, Permittee shall obtain dispersion and air quality information. The Department's message for the day can be obtained by reviewing the meteorology section of www.burnclosures.mt.gov. The permittee may also obtain further information from www.smokemu.org. Pursuant to ARM 17.8.601, the Permittee may call the Department toll-free (1-800-225-6779) to check for open burning restrictions, however, these restrictions are simplified for the minor burner audience. Review of the meteorology section of www.burnclosures.mt.gov provides further information regarding the basis for the Department's message for the day.

8. During the period of December 1 to February 28, Permittee may conduct burning if the following conditions are met and approval is granted by the Department:

a. Proposed wintertime open burning requests shall be submitted to the Department by November 15th.

b. Proposed wintertime open burning requests shall include electronic submission of the burn request data in Excel spreadsheet format (or equivalent), and shall contain burn identification, location, size in acres, elevation, method of burning, and average fuel loading or total tons of fuel to be disposed.

c. Permittee shall ignite burns only during periods of good or excellent ventilation. Ventilation forecasts may be obtained from the Department. Permittee shall provide prior-day notification and secure burn-day verification from the Department or its designee. The following outlines the intended steps for winter burning, and are subject to change as needed:

i. Ensure the Department Meteorologist's winter dispersion and air quality forecast email distribution list includes the appropriate contacts for your organization.

ii. When there is a forecast developing that might accommodate a proposed burn, contact the Department to determine a tentative burn plan

iii. Late in the day before the tentatively planned burn (call before 4 pm), contact the Department to ensure the forecast continues to look supportive of the burn.

iv. Contact the Department the day of the burn to verify the dispersion and air quality forecast is supportive of the burn and to notify the Department of the final burn plan.

d. The Department reviews wintertime open burning requests (December 1 through February 28) on a case-by-case basis. The Department may prohibit wintertime open burning at anytime.

e. This permit may be subject to superseding local authority in Lewis and Clark, Flathead, Missoula, Lincoln, Yellowstone, and Cascade counties. Local jurisdictions may impose different or more stringent requirements. Permittee shall confer with county authorities when performing burning in their respective jurisdictions.

9. Anyone conducting burning shall comply with requirements of ARM Title 17, Chapter 8, Subchapter 6.

10. Permittee shall not conduct burning within the city limits of any city in the state of Montana.

a. The Department may, on a case by case basis, grant exemption to Section II.10, provided a written request is made from the Permittee, and written exemption granted by the Department.

b. An exemption is conditional based on Permittee's adherence to any supplementary conditions set forth in the Department's written exemption.

11. For each proposed burn, Permittee shall provide the Department with the proposed burn date, burn identification, location, size in acres, elevation, method of burning, and average fuel loading or total tons of fuel to be disposed.

12. Permittee shall categorize smoke emissions from each proposed burn and as either natural or anthropogenic. The categorization should be entered into the AMS database.

13. By February 15th, Permittee shall submit to the Department an annual report containing completed burning information from January 1st to December 31st of the preceding year. The report should be made in excel or equivalent format, and include the information required by Section II.A.11.

14. Issuance of this permit does not relieve Permittee of civil or criminal liability for any claims or actions for injury or damage arising as a result of Permittee performing open burning.

B. County Restrictions

This permit may be subject to superseding local authority in Lewis and Clark, Flathead, Missoula, Lincoln, Yellowstone, and Cascade counties. Local jurisdictions may impose different or more stringent requirements. Permittee shall confer with county authorities when performing burning in their respective jurisdictions.

C. General Conditions

1. Inspection

The Permittee shall provide the Department access to any burning site at reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, and otherwise conducting all necessary functions related to this MOB permit.

2. Waiver

The MOB permit and all the terms, conditions, and matters stated herein shall be deemed accepted if the recipient fails to appeal as set forth below.

3. Compliance with Statutes and Regulations

The citation of requirements, limitations, and conditions in this MOB permit does not relieve the applicant from the obligation to comply with all applicable statutes and administrative regulations, including amendments thereto, nor waive the right of the Department to require compliance with all applicable statutes and administrative regulations, including amendments thereto.

4. Enforcement

   Violations of limitations, conditions, and requirements contained herein or the violation of any applicable statutes and administrative regulations may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401 *et seq*., MCA.

5. Appeals

   When the Department approves or denies the application for a MOB permit under this rule, a person who is jointly or severally adversely affected by the Department's decision may request a hearing before the Board of Environmental Review (Board). The request for a hearing must be filed within 15 days after the Department renders its decision. An affidavit setting forth the grounds for the request must be filed within 30 days after the Department renders its decision. The contested case provisions of the Montana Administrative Procedure Act, Title 2, Chapter 4, Part 6, MCA, apply to a hearing before the Board under this rule. The Department's decision on the application is not final unless 15 days have elapsed from the date of the decision. The filing of a request for a hearing does not stay the effective date of the Department's decision. However, the Board may order a stay upon receipt of a petition and a finding, after notice and opportunity for hearing, that: (a) the person requesting the stay is entitled to the relief demanded in the request for a hearing; or (b) continuation of the permit during the appeal would produce great or irreparable injury to the person requesting the stay.

   Upon granting a stay, the Board may require a written undertaking to be given by the party requesting the stay for the payment of costs and damages incurred by the permit applicant and its employees if the board determines that the permit was properly issued. When requiring an undertaking, the Board shall use the same procedures and limitations as are provided in 27-19-306(2) through (4) for undertakings on injunctions.

6. Permit Inspection

   Pursuant to ARM 17.8.755, Inspection of Permit, a copy of this MOB permit shall be made available for inspection by Department personnel at the permitted facility during the burn.

7. Permit Fees

   Pursuant to Section 75-2-220, MCA, an MOB permit application is deemed incomplete until the Permittee submits the proper MOB permit application fee as required by that section and rules adopted by the Board of Environmental Review.