

May 22, 2023

Mr. James Nelson  
P.O. Box 206  
Laurel, MT 59044  
Sent via email: [james.nelson@lfm-frp.com](mailto:james.nelson@lfm-frp.com)

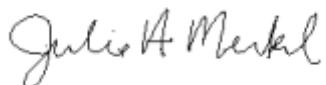
**RE: Proposed Title V Operating Permit #OP3821-04**

Dear Mr. Nelson:

The DEQ has prepared this Decision on Operating Permit #OP3821-04, for Fiberglass Structures, Inc., located in Laurel, Montana. Please review the cover page of the attached permit for information pertaining to the action taking place on this permit.

If you have any questions, please contact Troy Burrows, the permit writer, at (406) 444-1452 or by email at [troy.burrows@mt.gov](mailto:troy.burrows@mt.gov).

Sincerely,



Julie A. Merkel  
Permitting Services Section Supervisor  
Air Quality Bureau  
(406) 444-3626



Troy Burrows  
Air Quality Scientist  
Air Quality Bureau  
(406) 444-1452

JM: TMB  
Enclosure  
ec: Adam Eisele, Air Permitting and Monitoring Branch, US EPA Region VIII 8ARD-PM  
Carson Coate, US EPA Region VIII, Montana Office  
Robert Gallagher, US EPA Region VIII, Montana Office



## AIR QUALITY OPERATING PERMIT #OP3821-04

Renewal Application Received:	01/18/2023
Application Deemed Administratively Complete:	01/18/2023
Application Deemed Substantively Complete:	01/18/2023
Draft Issue Date:	02/22/2023
Proposed Issue Date:	03/30/2023
End of EPA 45-day Review:	05/15/2023
Date of Decision:	5/22/2023
Effective Date:	6/22/2023
Expiration Date:	6/22/2028
Complete Renewal Application Due:	1/22/2028
AFS Number:	030-111-0036A

**Fiberglass Structures, Inc. Tank Division  
1202 East Railroad Avenue  
Laurel, MT 59044**

Fiberglass Structures, Inc (FSI) is authorized by DEQ to operate a stationary source of air contaminants consisting of the emission units described in this permit (Montana Code Annotated (MCA) 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.*).

FSI is allowed to discharge air pollutants in accordance with the conditions of this permit until it expires, is modified, or is revoked. All conditions in this permit are federally and state enforceable unless otherwise specified. Requirements which are state-only enforceable are identified as such. A copy of this permit must be kept at the facility or a DEQ-approved location.

### **Permit Issuance and Appeal Process:**

This Decision becomes effective on 6/22/2023(Section 75-2-218, MCA). DEQ will send a notification when the permit becomes final.

This Decision may be appealed to the Board of Environmental Review (Board) if a request for a hearing is received by the Board within 30 days of the Decision. The filing of a request for a hearing does not stay the Decision, unless the Board orders a stay (Section 75-2-218(6)(b), MCA).

Petitions may be submitted to the Environmental Protection Agency (EPA) within 60 days after the expiration of the EPA's 45-day review period to object to issuance of this permit (ARM 17.8.1233). If the EPA concurs with the petition, FSI and all affected parties will be informed of the stay of the Final Permit, and then DEQ shall terminate, modify, or revoke any issued permit (ARM 17.8.1231). For more information, contact DEQ at (406) 444-3490 or [DEQ-ARMB-Admin@mt.gov](mailto:DEQ-ARMB-Admin@mt.gov).

Montana Air Quality Operating Permit  
Department of Environmental Quality

<b>SECTION I. GENERAL INFORMATION.....</b>	<b>1</b>
<b>SECTION II. SUMMARY OF EMISSION UNITS.....</b>	<b>1</b>
<b>SECTION III. PERMIT CONDITIONS.....</b>	<b>2</b>
A. FACILITY-WIDE .....	2
B. EU001, EU003- BUILDING EXHAUST (CHOP HOOP WINDERS, CHOPPER GUNS, AND SPRAY GUN):.....	6
<b>SECTION IV. NON-APPLICABLE REQUIREMENTS.....</b>	<b>9</b>
<b>SECTION V. GENERAL PERMIT CONDITIONS.....</b>	<b>10</b>
A. COMPLIANCE REQUIREMENTS.....	10
B. CERTIFICATION REQUIREMENTS .....	10
C. PERMIT SHIELD .....	11
D. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS.....	12
E. PROMPT DEVIATION REPORTING.....	13
F. EMERGENCY PROVISIONS.....	13
G. INSPECTION AND ENTRY.....	14
H. FEE PAYMENT .....	15
I. MINOR PERMIT MODIFICATIONS.....	15
J. CHANGES NOT REQUIRING PERMIT REVISION .....	15
K. SIGNIFICANT PERMIT MODIFICATIONS.....	16
L. REOPENING FOR CAUSE .....	17
M. PERMIT EXPIRATION AND RENEWAL .....	17
N. SEVERABILITY CLAUSE .....	18
O. TRANSFER OR ASSIGNMENT OF OWNERSHIP .....	18
P. EMISSIONS TRADING, MARKETABLE PERMITS, ECONOMIC INCENTIVES.....	18
Q. NO PROPERTY RIGHTS CONVEYED .....	18
R. TESTING REQUIREMENTS .....	19
S. SOURCE TESTING PROTOCOL.....	19
T. MALFUNCTIONS.....	19
U. CIRCUMVENTION.....	19
V. MOTOR VEHICLES .....	19
W. ANNUAL EMISSIONS INVENTORY .....	19
X. OPEN BURNING.....	19
Y. MONTANA AIR QUALITY PERMITS.....	19
Z. NATIONAL EMISSION STANDARD FOR ASBESTOS .....	20
AA. ASBESTOS .....	20
BB. STRATOSPHERIC OZONE PROTECTION – SERVICING OF MOTOR VEHICLE AIR CONDITIONERS.....	20
CC. STRATOSPHERIC OZONE PROTECTION – RECYCLING AND EMISSION REDUCTIONS .....	21
DD. EMERGENCY EPISODE PLAN .....	21
EE. DEFINITIONS.....	21
<b>APPENDIX A INSIGNIFICANT EMISSION UNITS.....</b>	<b>A-1</b>
<b>APPENDIX B DEFINITIONS AND ABBREVIATIONS.....</b>	<b>B-1</b>
<b>APPENDIX C NOTIFICATION ADDRESSES.....</b>	<b>C-1</b>
<b>APPENDIX D AIR QUALITY INSPECTOR INFORMATION.....</b>	<b>D-1</b>

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:** Fiberglass Structures, Inc.

**Mailing Address:** P.O. Box 206

**City:** Laurel

**State:** MT

**Zip:** 59044

**Plant Location:** Physical plant address is 1202 East Railroad, Laurel, MT (Section 16, Township 2S, Range 24E in Yellowstone County).

**Responsible Official:** James Nelson

**Phone:** (406) 628-1043

**Facility Contact Person:** Jodi Young

**Phone:** (406) 628-1043

**Primary SIC Code:** 3089

**Nature of Business:** Production of fiberglass tanks and other products.

**Description of Process:** FSI manufactures fiberglass reinforced products (FRP) for a variety of purposes. All of the products are produced as corrosion-resistant or high-strength, open molding manufacture, via a combination of mechanical or manual methods. There are six primary steps completed in the FRP process, which include: plug fabrication; mold construction; wax or prep mold; gel coat application; laminate; and part removal/finish trim. Volatile Organic Compound (VOC) emissions, primarily styrene, result from the product manufacturing process. Styrene is a listed Hazardous Air Pollutant (HAP).

## SECTION II. SUMMARY OF EMISSION UNITS

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

Emissions Unit ID	Description	Pollution Control Device/Practice
EU001	Automatic Chop Hoop Winders (Two) & Chopper Guns (Three)	None
EU003	Paint Application - HVLP Handheld Spray Gun	None
EU004	Gel Coat Non-Atomized Spray Booth	None

### 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 17.8.105	Testing Requirements	Testing Requirements	-----
A.2	ARM 17.8.304(1)	Visible Air Contaminants	Opacity	40%
A.3	ARM 17.8.304(2)	Visible Air Contaminants	Opacity	20%
A.4	ARM 17.8.308(1)	Particulate Matter, Airborne	Fugitive Opacity	20%
A.5	ARM 17.8.308(2)	Particulate Matter, Airborne	Reasonable Precautions	-----
A.6	ARM 17.8.308	Particulate Matter, Airborne	Reasonable Precaution, Construction	20%
A.7	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.8	ARM 17.8.310	Particulate Matter, Industrial Processes	Particulate Matter	$E = 4.10 * P^{0.67}$ or $E = 55 * P^{0.11} - 40$
A.9	ARM 17.8.322(4)	Sulfur Oxide Emissions, Sulfur in Fuel	Sulfur in Fuel (liquid or solid fuels)	1 lb/MMBtu fired
A.10	ARM 17.8.322(5)	Sulfur Oxide Emissions, Sulfur in Fuel	Sulfur in Fuel (gaseous)	50 gr/100 CF
A.11	ARM 17.8.324(3)	Hydrocarbon Emissions, Petroleum Products	Gasoline Storage Tanks	-----
A.12	ARM 17.8.324	Hydrocarbon Emissions, Petroleum Products	65,000 Gallon Capacity	-----
A.13	ARM 17.8.324	Hydrocarbon Emissions, Petroleum Products	Oil-effluent Water Separator	-----
A.14	ARM 17.8.342	NESHAPs General Provisions	SSM Plans	Submittal
A.15	ARM 17.8.121(1)(c) and 40 CFR Part 98	Greenhouse Gas Reporting	Reporting	-----
A.16	ARM 17.8.1212	Reporting Requirements	Prompt Deviation Reporting	-----
A.17	ARM 17.8.1212	Reporting Requirements	Compliance Monitoring	-----
A.18	ARM 17.8.1207	Reporting Requirements	Annual Certification	-----

#### Conditions

- A.1. Pursuant to ARM 17.8.105, any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of DEQ, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct test, emission or ambient, for such periods of time as may be necessary using methods approved by DEQ.

Compliance demonstration frequencies that list “as required by DEQ” refer to ARM 17.8.105. In addition, for such sources, compliance with limits and conditions listing “as required by DEQ” as the frequency, is verified annually using emission factors and engineering calculations by DEQ’s compliance inspectors during the annual emission inventory review; in the case of Method 9 tests, compliance is monitored during the regular inspection by the compliance inspector.

- A.2. Pursuant to ARM 17.8.304(1), FSI 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.3. Pursuant to ARM 17.8.304(2), FSI 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.4. Pursuant to ARM 17.8.308(1), FSI shall not cause or authorize the production, handling, transportation, or storage of any material unless reasonable precautions to control emissions of 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.5. Pursuant to ARM 17.8.308(2), FSI 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.6. Pursuant to ARM 17.8.308, FSI 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.7. Pursuant to ARM 17.8.309, unless otherwise specified by rule or in this permit, FSI 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 British Thermal Units (MMBtu) per hour and E is the maximum allowable particulate emissions rate in pounds per MMBtu.

- A.8. Pursuant to ARM 17.8.310, unless otherwise specified by rule or in this permit, FSI 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 = rate of emissions in pounds per hour and p = process weight rate in tons per hour.

- A.9. Pursuant to ARM 17.8.322(4), FSI shall not burn liquid or solid fuels containing sulfur in excess of 1 pound per MMBtu fired, unless otherwise specified by rule or in this permit.
- A.10. Pursuant to ARM 17.8.322(5), FSI 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.11. Pursuant to ARM 17.8.324(3), FSI shall not load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is equipped with a vapor loss control device or is a pressure tank as described in ARM 17.8.324(1), unless otherwise specified by rule or in this permit.
- A.12. Pursuant to ARM 17.8.324, unless otherwise specified by rule or in this permit, FSI shall not place, store or hold in any stationary tank, reservoir or other container of more than 65,000 gallon capacity any crude oil, gasoline or petroleum distillate having a vapor pressure of 2.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with a vapor loss control device, properly installed, in good working order and in operation.
- A.13. Pursuant to ARM 17.8.324, unless otherwise specified by rule or in this permit, FSI shall not use any compartment of any single or multiple-compartment oil-effluent water separator, which compartment receives effluent water containing 200 gallons a day or more of any petroleum product from any equipment processing, refining, treating, storing or handling kerosene or other petroleum product of equal or greater volatility than kerosene, unless such compartment is equipped with a vapor loss control device, constructed so as to prevent emission of hydrocarbon vapors to the atmosphere, properly installed, in good working order and in operation.
- A.14. Pursuant to ARM 17.8.342 and 40 Code of Federal Regulation (CFR) 63.6, FSI shall submit to DEQ a copy of any startup, shutdown, and malfunction (SSM) plan required under 40 CFR 63.6(e)(3) within 30 days of the effective date of this operating permit (if not previously submitted), within 30 days of the compliance date of any new National Emission Standard for Hazardous Air Pollutants (NESHAPs) or Maximum Achievable Control Technology (MACT) standard, and within 30 days of the revision of any such SSM plan, when applicable. DEQ requests submittal of such plans in electronic form, when possible.

A.15. Pursuant to ARM 17.8.1211(1)(c) and 40 CFR Part 98, FSI shall comply with requirements of 40 CFR Part 98 - Mandatory Greenhouse Gas Reporting, as applicable (ARM 17.8.1211(1)(c), NOT an applicable requirement under Title V).

A.16. FSI shall promptly report deviations from permit requirements including those attributable to upset conditions, as upset is defined in the permit. To be considered prompt, deviations shall be reported to DEQ using the schedule and content as described in Section V.E (unless otherwise specified in an applicable requirement) (ARM 17.8.1212).

A.17. On or before February 15 and August 15 of each year, FSI shall submit to DEQ 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 emissions unit. For the reports due by February 15 of each year, FSI may submit a single report, provided that it contains all the information required by Section V.B & 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.18. By February 15 of each year, FSI shall submit to DEQ the compliance certification required by Section V.B. The annual certification required by Section V.B must include a statement of compliance based on the information available which 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, EU003, EU004- Building Exhaust (Chop Hoop Winders, Chopper Guns, Spray Gun, and Spray Booth):**

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration		Reporting Requirements	
			Method	Frequency		
B.1, B.5, B.11, B.13, B.15, B.16, B.17, B.18	Opacity	20%	Method 9	As Required by DEQ and Section III.A.1	Semiannual	
B.2, B.6, B.12, B.17	Airborne Particulate	Reasonable Precaution	Water and/or Chemical Dust Suppressant	As needed		
B.3, B.7, B.8, B.9, B.12, B.14, B.15, B.16, B.17	Volatile Organic Compounds (VOCs)	96.27 tons/rolling 12 months	Recordkeeping	On-going		
			HVLP			
B.4, B.10, B.14, B.16, B.17	Hazardous Air Pollutants (HAPs)	40 CFR 63, Subpart WWWWW	40 CFR 63, Subpart WWWWW	40 CFR 63, Subpart WWWWW	40 CFR 63, Subpart WWWWW	

**Conditions**

- B.1. FSI shall not cause or authorize emissions to be discharged into the outdoor atmosphere from the emitting unit that exhibit opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).
- B.2. FSI shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precaution to control emissions of airborne particulate matter (ARM 17.8.308(2)).
- B.3. FSI may not cause or authorize VOC emissions from the facility that exceed 96.27 tons during any rolling 12-month period (ARM 17.8.752).
- B.4. FSI shall comply with all applicable requirements of 40 CFR 63, Subpart WWWWW – NESHAPS: Reinforced Composite Production. These regulations shall apply, as appropriate, including the applicable HAP emission limits listed in Table 3 and the work practice standards specified in Table 4 of 40 CFR 63, Subpart WWWWW (ARM 17.8.342 and 40 CFR 63, Subpart WWWWW).

**Compliance Demonstration**

- B.5. FSI shall conduct a Method 9 source test as required by DEQ and Section III.A.1 on EU001 Building Exhaust.
- B.6. Method 9 source tests must be performed in accordance with the Montana Source Test Protocol and Procedures Manual, except that prior notification of the test is not required. Each observation period must be a minimum of 6 minutes unless any single reading is 20% or greater, then the observation period must be a minimum of 20 minutes or until a violation of the standard has been documented, whichever is a shorter period (ARM 17.8.1213).

- B.7. FSI shall treat all unpaved portions of haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions limitation in Section III.B.2. (ARM 17.8.749 and ARM 17.8.1213).
- B.8. FSI shall document, by month, the VOC and HAP emissions from the facility. By the 25<sup>th</sup> day of each month, FSI shall total the VOC emissions and HAP emissions from the facility during the previous 12 months to monitor compliance with the limitation in Section III.B.3 and III.B.4. For the fiberglass resin applications, the calculation of VOC and HAP emissions shall be based on the amount of each resin used, and the percentage of VOC and HAP in each resin. The emissions for the fiberglass process are to be calculated in accordance with the requirements of 40 CFR 63 Subpart WWWW. For painting or other processes that emit VOC and HAP, the emissions will be based on the amount of raw material used (such as paint and thinner) and the percent of VOC and HAP in each raw material (ARM 17.8.749 and ARM 17.8.1213).
- B.9. FSI shall use high volume/low pressure (HVLP) non-atomizing spray systems on the two Chop Hoop Winders and the three Chopper Guns (ARM 17.8.752 and ARM 17.8.1213).
- B.10. FSI must document any change in the raw materials, or VOC and HAP contents, with new or updated product information. A written report of the compliance verification shall be submitted along with the annual emissions inventory (ARM 17.8.749 and ARM 17.8.1213).
- B.11. FSI shall meet the requirements of all testing and procedures of ARM 17.8.342, which references 40 CFR 63, Subpart WWWW – Reinforced Plastics Composite Production (ARM 17.8.342 and 40 CFR 63, Subpart WWWW).

### **Recordkeeping**

- B.12. All compliance source test recordkeeping shall be performed in accordance with the test method used and the Montana Source Test Protocol and Procedures Manual and shall be maintained on site (ARM 17.8.106 and ARM 17.8.1212).
- B.13. FSI shall maintain on site a log of any preventative and/or corrective action. The log shall include the time, date and description of the action taken. The log shall be maintained as a permanent business record for at least 5 years following the activity. The log shall be available to DEQ for inspection and must be submitted to DEQ upon request (ARM 17.8.1212).
- B.14. All compliance source test recordkeeping shall be performed in accordance with the test method used and the Montana Source Test Protocol and Procedures Manual and shall be maintained on site (ARM 17.8.106 and ARM 17.8.1212).
- B.15. FSI shall comply with all applicable recordkeeping requirements in accordance with 40 CFR 63, Subpart WWWW. FSI shall maintain, on-site, records demonstrating compliance with 40 CFR 63, Subpart WWWW. All records compiled in accordance with this permit shall be maintained by FSI as a permanent business record for at least 5 years following the date of the measurement, must be available at the plant for inspection by DEQ, and must be submitted to DEQ upon request (ARM 17.8.749, ARM 17.8.342, and 40 CFR 63, Subpart WWWW).

## **Reporting**

- B.16. Any compliance source test reports must be submitted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106 and ARM 17.8.1212).
- B.17. The annual compliance certification required by Section V.B must contain a certification statement for the above applicable requirements (ARM 17.8.1212).
- B.18. The semiannual monitoring report shall provide (ARM 17.8.1212):
  - a. A summary of results of the last source testing that was performed;
  - b. A summary of the information required in III.B.8;
  - c. A summary of the log of any preventative and/or corrective actions as required by Section III.B.13; and
  - d. A summary of any applicable recordkeeping and reporting requirements during the semiannual period related to 40 CFR 63, Subpart WWWWW.

#### **SECTION IV. NON-APPLICABLE REQUIREMENTS**

FSI did not request a shield from any of the Air Quality Administrative Rules of Montana (ARM) or any Federal Regulations on either a facility-wide or emission unit basis pursuant to ARM 17.8.1214. Therefore, a listing of non-applicable requirements will not be included in this permit.

## SECTION V. GENERAL PERMIT CONDITIONS

### A. Compliance Requirements

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

1. The permittee 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 the permittee 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 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 an applicable requirement if the source demonstrates that both 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. The permittee shall furnish to DEQ, within a reasonable time set by DEQ (not to be less than 15 days), any information that DEQ 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, the permittee shall also furnish to DEQ 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 the permittee to assert the confidentiality of the information requested by DEQ, as provided in 75-2-105, MCA.
5. Any schedule of compliance for applicable requirements with which the source is not in compliance with at the time of permit issuance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it was 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 DEQ.

### 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 February 15 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 owner or 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 DEQ 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 DEQ, 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 precise 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, or revocation and 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 that 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 DEQ to obtain information from a source pursuant to the Montana Clean Air Act, Title 75, Chapter 2, MCA;
  - f. The emergency powers of DEQ under the Montana Clean Air Act, Title 75, Chapter 2, MCA; and
  - g. The ability of DEQ 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 DEQ to take enforcement action for a violation of an applicable requirement or permit term demonstrated pursuant to ARM 17.8.106, Source Testing Protocol.
  - 5. Pursuant to ARM 17.8.132, for the purpose of submitting a compliance certification, nothing in these rules shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance. However, when compliance or noncompliance is demonstrated by a test or procedure provided by permit or other applicable requirements, the source shall then be presumed to be in compliance or noncompliance unless that presumption is overcome by other relevant credible evidence.
  - 6. The permit shield will not extend to minor permit modifications or changes not requiring a permit revision (see Section V I & J).
  - 7. The permit shield will extend to significant permit modifications and transfer or assignment of ownership (see Section V K & O).

#### **D. Monitoring, Recordkeeping, and Reporting Requirements**

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

- 1. Unless otherwise provided in this permit, the permittee shall maintain compliance monitoring records that include the following information:
  - a. The date, place as defined in the permit, and time of sampling or measurement;
  - 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. The permittee 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, or 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 computerized form at the plant site if the information is made available to DEQ personnel upon request, which may be for either hard copies or computerized format. Strip-charts must be maintained in their original form at the plant site and shall be made available to DEQ personnel upon request.
3. The permittee shall submit to DEQ, at the addresses located in the Notification Addresses Appendix of this permit, reports of any required monitoring by February 15 and August 15 of each year, or more frequently if otherwise specified in an applicable requirement or elsewhere in the permit. The monitoring report submitted on February 15 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 August 15 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)(b)

The permittee 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 to DEQ within the following timeframes (unless otherwise specified in an applicable requirement):

1. For deviations which may result in emissions potentially in violation of permit limitations:
  - a. An initial phone notification (or faxes or electronic notification) describing the incident within 24 hours (or the next business day) of discovery; and,
  - b. A follow-up written, faxed, or electronic report within 30 days of discovery of the deviation that describes the probable cause of the reported deviation and any corrective actions or preventative measures taken.
2. For deviations attributable to malfunctions, deviations shall be reported to DEQ in accordance with the malfunction reporting requirements under ARM 17.8.110; and
3. For all other deviations, deviations shall be reported to DEQ via a written, faxed, or electronic report within 90 days of discovery (as determined through routine internal review by the permittee).

Prompt deviation reports do not need to be resubmitted with regular semiannual (or other routine) reports but may be referenced by the date of submittal.

#### **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 causes the source to exceed a technology-based emission limitation under this permit due to the 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 preventive 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 the permittee demonstrates through properly signed, contemporaneous logs, or other relevant evidence, that:
  - a. An emergency occurred and the permittee 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 the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit; and
  - d. The permittee submitted notice of the emergency to DEQ 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)(b). 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 requirements as may be required by law, the permittee shall allow DEQ, the administrator, or an authorized representative (including an authorized contractor acting as a representative of DEQ or the administrator) to perform the following:
  - a. Enter the premises where a source required to obtain a permit is located or emissions-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 units, 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 the permit or applicable requirements.
2. The permittee shall inform the inspector of all workplace safety rules or requirements at the time of inspection. This section shall not limit in any manner DEQ'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. The permittee must pay application and operating fees, pursuant to ARM Title 17, Chapter 8, Subchapter 5.
2. Annually, DEQ shall provide the permittee 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 the 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 the permittee fails to pay the required fee (or any required portion of an appealed fee) within 90 days of the due date of the fee, DEQ 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. The permittee is authorized to make changes within the facility as described below, provided the following conditions are met:
  - a. The proposed changes do not require the permittee to obtain an MAQP 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 this 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 DEQ with written notification at least 7 days prior to making the proposed changes.
2. The permittee and DEQ shall attach each notice provided pursuant to 1.e. above to their respective copies of this permit.
3. Pursuant to the conditions above, the permittee is authorized to make Sec. 502(b)(10) changes, as defined in ARM 17.8.1201(30), 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 because of the change.
4. The permittee may make a change not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided the following conditions are met:
- a. Each proposed change does not weaken the enforceability of any existing permit conditions;
  - b. DEQ 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. The permittee provides contemporaneous written notice to DEQ 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 because 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 (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 DEQ's ability to determine compliance with any applicable rule, consistent with the requirements of the rule; or
  - d. Any other change determined by DEQ 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)

This permit may be reopened and revised under the following circumstances:

1. 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 or conditions have been extended pursuant to ARM 17.8.1220(12) or 17.8.1221(2);
2. Additional requirements (including excess emission requirements) become applicable to an affected source under the Acid Rain Program. Upon approval by the administrator, excess emission offset plans shall be deemed incorporated into the permit;
3. DEQ 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
4. The administrator or DEQ determines that the permit must be revised or revoked and reissued to ensure 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 application, content, public participation, and affected state and administrator review.

3. Expiration of this permit terminates the permittee's right to operate unless a timely and administratively complete 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, the permittee shall submit a complete air quality operating permit application to DEQ 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, DEQ may specify, in writing to the permittee, a longer 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(2)(i)&(l)

1. The administrative appeal or subsequent judicial review of the issuance by DEQ 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 as if a final permit decision had not been reached by DEQ.
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 DEQ 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 not extend to administrative permit amendments.

**P. Emissions 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

The permittee shall comply with ARM 17.8.105.

**S. Source Testing Protocol**

ARM 17.8, Subchapter 1, General Provisions §106

The permittee shall comply with ARM 17.8.106.

**T. Malfunctions**

ARM 17.8, Subchapter 1, General Provisions §110

The permittee shall comply with ARM 17.8.110.

**U. Circumvention**

ARM 17.8, Subchapter 1, General Provisions §111

The permittee shall comply with ARM 17.8.111.

**V. Motor Vehicles**

ARM 17.8, Subchapter 3, Emission Standards §325

The permittee shall comply with ARM 17.8.325.

**W. Annual Emissions Inventory**

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

The permittee shall supply DEQ 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 DEQ by the date required in the emission inventory request, unless otherwise specified in this permit. Information shall be in the units required by DEQ.

**X. Open Burning**

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

The permittee shall comply with ARM 17.8.604, 605 and 606.

**Y. Montana Air Quality Permits**

ARM 17.8, Subchapter 7, Permit, Construction and Operation of Air Contaminant Sources §745 and 764

1. Except as specified, no person shall construct, install, modify, or use any air contaminant source or stack associated with any source without first obtaining a permit from DEQ 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 MAQP issued under Chapter 8 that does not increase the facility's potential to emit by more than 5 tons per year of any pollutant, except:
  - a. Any construction or changed condition that would violate any condition in the facility's existing MAQP 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 5 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 DEQ if the change would include a change in control equipment, stack height, stack diameter, 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, 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).

## **Z. National Emission Standard for Asbestos**

### 40 CFR, Part 61, Subpart M

The permittee shall not conduct any asbestos abatement activities except in accordance with 40 CFR 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

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

## **CC. Stratospheric Ozone Protection – Recycling and Emission Reductions**

### **40 CFR, Part 82, Subpart F**

The permittee shall comply with the standards for recycling and emission reductions in 40 CFR 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 practices 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; and
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**

The permittee 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 DEQ 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 DEQ's EEAP and shall be submitted according to a timetable developed by DEQ, 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 regulations.

## APPENDICES

## Appendix A IN SIGNIFICANT EMISSION UNITS

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

Pursuant to ARM 17.8.1201(22)(a), an insignificant emission unit means any activity or emissions unit located within a source that: (i) has a potential to emit less than five 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:

The following table of insignificant sources and/or activities was provided by FSI. Because there are no requirements to update such a list, the emission units and/or activities may change from those specified in the table.

Emission Unit ID	Description
IEU002	Resin Application - Manual Lay-up
IEU004	Mold Release Application
IEU005-IEU007	(3) - Natural Gas Fired Space Heater(s) 100,000 Btu/hr.

## Appendix B 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 FSI;
- (d) Requires changes in monitoring or reporting requirements that DEQ 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 DEQ 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 which DEQ 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 DEQ 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 DEQ, 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 DEQ 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 DEQ under Subchapter 6.

**"DEQ"** means the Montana Department of Environmental Quality.

**"Emissions 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.

**"Excess Emissions"** means any visible emissions from a stack or source, viewed during the visual surveys, that meets or exceeds 15% opacity (or 30% opacity if associated with a 40% opacity limit) during normal operating conditions.

**"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 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 which 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 DEQ, 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 MAQP issued by DEQ 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 DEQ.
- (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
BTU	British Thermal Unit
CFR	Code of Federal Regulations
CF	Cubic Feet
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	emissions unit
FCAA	Federal Clean Air Act
FRP	Fiberglass Reinforced Plastic
gr	grains
HAP	hazardous air pollutant
HVLP	high volume-low pressure
IEU	insignificant emissions unit
Method 5	40 CFR 60, Appendix A, Method 5
Method 9	40 CFR 60, Appendix A, Method 9
MMBTU	million British Thermal Units
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOx	oxides of nitrogen
NO <sub>2</sub>	nitrogen dioxide
O <sub>2</sub>	oxygen
Pb	lead
PM	particulate matter
PM <sub>10</sub>	particulate matter with an aerodynamic diameter less than or equal to 10 microns
psi	pounds per square inch
scf	standard cubic feet
SIC	Source Industrial Classification
SO <sub>2</sub>	sulfur dioxide
SOx	oxides of sulfur
SSM	start-up, shut-down, and malfunction
tpy	tons per year
U.S.C.	United States Code
VE	visible emissions
VOC	volatile organic compound

## **Appendix C NOTIFICATION ADDRESSES**

### Compliance Notifications:

Montana Department of Environmental Quality  
Air, Energy & Mining Division  
Air Quality Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

Enforcement and Compliance Assurance Division  
Air Enforcement Branch  
US EPA Region VIII, Montana Office  
10 West 15<sup>th</sup> Street, Suite 3200  
Helena, MT 59626

### Permit Modifications:

Montana Department of Environmental Quality  
Air, Energy & Mining Division  
Air Quality Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

Air and Radiation Program  
Permit and Monitoring Branch  
US EPA Region VIII 8P-AR  
1595 Wynkoop Street  
Denver, CO 80202-1129

## Appendix D AIR QUALITY INSPECTOR INFORMATION

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

1. **Direction to Plant:** The facility is located in Section 16, Township 2 South, Range 24 East in Yellowstone County. The physical address of FSI - Tank Division is 1202 E. Railroad in Laurel, Montana.
2. **Safety Equipment Required:** No specific safety equipment is required, unless otherwise specified at the direction of a FSI representative.
3. **Facility Plot Plan:** A facility plot plan was included in FSI's Title V Operating Permit Application submitted on April 17, 2006.