

December 23, 2025

Jason Williams
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Flathead Electric LFGE Facility
4098 Highway 93 North
Kalispell, Montana 59901

Sent via email: j.williams@flathead.coop

RE: Final Title V Operating Permit #OP4245-00

Dear Mr. Williams:

DEQ prepared this Final Operating Permit #OP4245-00, for Flathead Electric Cooperative's LFGE Facility, located in Kalispell, Montana.

This permit must be kept at the facility or a DEQ-approved location.

If you have any questions contact Conor Fox, the permit writer, as listed below.

Sincerely,



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cc: Branch Chief, Air Permitting and Monitoring Branch, US EPA Region VIII 8ARD-PM
Robert Gallagher, US EPA Region VIII, Montana Office

Montana Department of Environmental Quality
Air, Energy & Mining Division
Air Quality Bureau

AIR QUALITY OPERATING PERMIT #OP4245-00

Issued to: **Flathead Electric Cooperative**
Flathead Electric LFGE Facility
4098 Highway 93 North
Kalispell, Montana 59901

Initial Application Received:	08/07/2024
Application Deemed Administratively Complete:	08/07/2024
Application Deemed Substantively Complete:	08/07/2024
Draft Issue Date:	06/09/2025
Proposed Issue Date:	09/05/2025
End of EPA 45-day Review:	10/20/2025
Date of Decision:	11/20/2025
Effective Date:	12/23/2025
Expiration Date:	12/23/2030
Complete Renewal Application Due:	06/23/2030
AFS Number: 030-029-0033A	



Permit Issuance and Appeal Processes: The Montana Department of Environmental Quality (DEQ) issues this permit as effective and final on December 23, 2025. This permit must be kept at the facility or a DEQ-approved location (Montana Code Annotated (MCA) Sections 75-2-217 and 218, Administrative Rules of Montana (ARM), ARM Title 17, Chapter 8, Subchapter 12, Operating Permit Program).

**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: Flathead Electric Cooperative

Mailing Address: 4098 Highway 93 North

City: Kalispell

State: Montana

Zip: 59901

Plant Location: Section 1, Township 29 North, Range 22 West, Flathead County, Montana

Responsible Official:

Alternate Responsible Official: Carlos Cortez

Facility Contact Person: Jason Williams

Primary SIC Code: 4911

Nature of Business: Generation of electricity for sale

Description of Process:

The landfill gas (LFG) collection system is comprised of approximately 25 vertical extraction wells that actively collect LFG from a waste prism, headers, and lateral piping that convey extracted LFG to an enclosed flare system. The LFG collection system will be expanded as the landfill expands. If the production of LFG exceeds the permitted amount of landfill gas allowed to be combusted by the flare or if new pollutants not previously analyzed are emitted, modification of the permit may be required.

Operation of the enclosed flare emits a variety of regulated air pollutants. Emissions are also generated by combustion of collected LFG used to operate two Caterpillar G3520C engines/generators that produce electricity for sale. LFG that is not used as fuel for the engines is destroyed by the enclosed flare. The primary emissions consist of carbon monoxide (CO), oxides of nitrogen (NO_x), and volatile organic compounds (VOC). Minimal particulate matter emissions (<3 tpy) are also produced and limited by knockout drums and demisters used to remove particulate matter from the LFG prior to flaring and/or operation of the engines.

In addition, pursuant to the applicable requirements of § 75-2-215, MCA, and ARM 17.8.770, a health risk assessment has been completed to risks associated with VOC and Hazardous Air Pollutant (HAP) emissions generated by the enclosed flare. A description of the health risk assessment is contained in the Montana Air Quality Permit (MAQP)

Flathead LFGE is under agreement with the Flathead County Landfill (FCLF) to collect landfill gas (LFG) produced by FCLF, for generation of electricity for sale.

SECTION II.SUMMARY OF EMISSIONS UNITS

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

Emissions Unit ID	Description	Pollution Control Device/Practice
EU001	CAT 3520C Genset #1 - Engine combusting landfill gas for combustion and electricity generation	None
EU002	CAT 3520C Genset #2 Engine combusting landfill gas for combustion and electricity generation	None
EU003	Perennial Energy enclosed ground flare and associated equipment, FL-1	None

SECTION III. PERMIT CONDITIONS

The following requirements and conditions are applicable to the facility or to specific emissions 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 17.8.1211(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), Flathead LFGE 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), Flathead LFGE 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), Flathead LFGE 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), Flathead LFGE 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, Flathead LFGE 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, Flathead LFGE 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.8. Pursuant to ARM 17.8.310, unless otherwise specified by rule or in this permit, Flathead LFGE 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), Flathead LFGE 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.10. Pursuant to ARM 17.8.322(5), Flathead LFGE 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), Flathead LFGE 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, Flathead LFGE 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, Flathead LFGE 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 17.8.302 and ARM 17.8.342, and 40 CFR 63.6, the owner or operator must maintain at the affected source a current startup, shutdown, and malfunction plan (if a plan is required by 40 CFR 63.6(e)(3) and the Table for General Provision Applicability of the appropriate subpart), meeting the requirements of 40 CFR 63.6, and must make the plan available upon request. In addition, if the startup, shutdown, and malfunction plan is subsequently revised, the owner or operator must maintain at the affected source each previous (i.e., superseded) version of the startup, shutdown, and malfunction plan, and must make each such previous version available for a period of 5 years after revision of the plan. The owner or operator shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the affected source's startup, shutdown and malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in 40 CFR 63.10(d)(5).
- A.15. Pursuant to ARM 17.8.1211(1)(c) and 40 CFR Part 98, Flathead LFGE 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. Flathead LFGE 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, Flathead LFGE 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, Flathead LFGE 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, Flathead LFGE 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 and EU002: CAT 3520C GENSET 1 and GENSET 2

Condition(s)	Pollutant/ Parameter	Permit Limit	Compliance Demonstration Method Frequency		Reporting Requirements
B.1, B.5, B.9, B.10, B.11, B.13, B.14	Opacity	20%	Method 9	As Required by DEQ and Section III.A.1	Semiannual
B.2, B.6, B.9, B.10, B.11, B.12, B.13, B.14	Particulate Matter	PM ₁₀ : 0.1 g/bhp- hr on a 3-hour rolling average	40 CFR 60, Subpart JJJJ	40 CFR 60, Subpart JJJJ	
B.2, B.6, B.7, B.8, B.9, B.10, B.11, B.12, B.13	NO _x	NO _x : 0.5 g/bhp- hr on a 3-hour rolling average	40 CFR 60, Subpart JJJJ	40 CFR 60, Subpart JJJJ	Every 3 years
B.2, B.6, B.7, B.8, B.9, B.10, B.11, B.12, B.13, B.14	CO	CO (100% Output): 2.75 g/bhp-hr on a 3- hour rolling average CO (50% Output): 3.0 g/bhp-hr on a 3- hour rolling average	40 CFR 60, Subpart JJJJ	40 CFR 60, Subpart JJJJ	Every 3 years
B.2, B.6, B.7, B.8, B.9, B.10, B.11, B.12, B.13, B.14	VOC	VOC (100%): 0.7 g/bhp-hr on a 3- hour rolling average VOC (50%): 0.9 g/bhp-hr on a 3- hour rolling average	40 CFR 60, Subpart JJJJ	40 CFR 60, Subpart JJJJ	Every 3 years
B.3, B.6, B.9, B.10, B.11, B.12, B.13, B.14	Engine and Operation Maintenance	40 CFR 60, Subpart JJJJ	40 CFR 60, Subpart JJJJ	40 CFR 60, Subpart JJJJ	Semiannual
B.4, B.7, B.9, B.10, B.11, B.12, B.13, B.14	Engine and Operation Maintenance	40 CFR 63, Subpart ZZZZ	40 CFR 63, Subpart ZZZZ	40 CFR 63, Subpart ZZZZ	Semiannual

Conditions

- B.1. Flathead LFGE shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibit opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).

- B.2. Emissions from the CAT 3520C GENSET 1 and GENSET 2 shall not exceed the following limits, on a grams per brake-horsepower hour (g/bhp-hr) on a 3-hour rolling average (ARM 17.8.752):

Oxides of Nitrogen (NO _x)	0.5 g/bhp-hr
Carbon Monoxide (CO) (100% output)	2.75 g/bhp-hr
CO (50% Output)	3.0 g/bhp-hr
Volatile Organic Compound (VOC) (100% Output)	0.7 g/bhp-hr
VOC (50% Output)	0.9 g/bhp-hr
Particulate Matter with an Aerodynamic Diameter of 10 microns or less (PM ₁₀)	0.1 g/bhp-hr

- B.3. Flathead LFGE shall comply with all applicable standards and limitations of 40 CFR 60, Subpart JJJJ: Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (40 CFR 60, Subpart JJJJ).
- B.4. Flathead LFGE shall comply with all applicable standards and limitations of 40 CFR 63, Subpart ZZZZ: National Emission Standards for Hazardous Air Pollutants from Reciprocating Internal Combustion Engines (RICE) (40 CFR 63, Subpart ZZZZ).

Compliance Demonstration

- B.5. Flathead LFGE shall conduct either a semiannual Method 9 source test or a weekly visual survey of visible emissions for emitting units listed in this section. Under the visual survey option, once per calendar week, during daylight hours, Flathead LFGE shall visually survey the emitting units listed in this section for any visible emissions. If visible emissions are observed during the visual survey, Flathead LFGE must conduct a Method 9 source test. The Method 9 source test must begin within one hour of any observation of visible emissions. If visible emissions meet or exceed 20% opacity based on the Method 9 source test according to the particular source limit, Flathead LFGE shall immediately take corrective action to contain or minimize the source of emissions. If corrective actions are taken, then FEC shall immediately conduct a subsequent visual survey (and subsequent Method 9 source test if visible emissions remain) to monitor compliance. The person conducting the visual survey shall record the results of the survey (including the results of any Method 9 source test performed) in a log, including any corrective action taken. Conducting a visual survey does not relieve Flathead LFGE of the liability for a violation determined using Method 9 (ARM 17.8.101(29)).

If the visual surveys are not performed once per calendar week as specified above during the reporting period, then Flathead LFGE shall perform the Method 9 source tests on the emitting units listed in this section for that reporting period.

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 one 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 of time (ARM 17.8.1213).

- B.6. Flathead LFGE shall comply with all applicable compliance demonstrations of 40 CFR 60, Subpart JJJJ: Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (40 CFR 60, Subpart JJJJ).
- B.7. Flathead LFGE shall comply with all applicable compliance demonstrations of 40 CFR 63, Subpart ZZZZ: National Emission Standards for Hazardous Air Pollutants from Reciprocating Internal Combustion Engines (RICE) (40 CFR 63, Subpart ZZZZ).
- B.8. EU-001 and EU-002 shall be tested for NO_x, CO, and VOCs once every three years. The emission tests shall consist of three separate test runs that are at least one hour in length and occur while the engine is operating within 10% of 100% (or the highest achievable) load (ARM 17.8.749, ARM 17.8.340, and 40 CFR 60, Subpart JJJJ).

Recordkeeping

- B.9. Flathead LFGE shall comply with all applicable recordkeeping and notification requirements contained in 40 CFR 60, Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, and 40 CFR 63, Subpart ZZZZ, National emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Combustion Engines, for any applicable engine (ARM 17.8.340, 40 CFR 60, Subpart JJJJ, and 40 CFR 63 Subpart ZZZZ).
- B.10. 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).

Reporting

- B.11. 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.12. Flathead LFGE shall comply with all applicable reporting requirements contained in 40 CFR 60, Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, and 40 CFR 63, Subpart ZZZZ, National emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Combustion Engines, for any applicable engine (ARM 17.8.340, 40 CFR 60, Subpart JJJJ, and 40 CFR 63 Subpart ZZZZ).
- B.13. The annual compliance certification required by Section V.B must contain a certification statement for the above applicable requirements (ARM 17.8.1212).
- B.14. The semiannual monitoring report shall provide (ARM 17.8.1212):
 - a. a summary of results of any source testing that was performed during that semiannual period; and
 - b. the emission tests for NO_x, CO, and VOC, every three years, per condition B.6.

C. EU003 (FL-1): PEI Enclosed Flare

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Frequency	Reporting Requirements
C.1, C.8, C.15, C.16, C.17, C.18	Flare Operation	See Condition C.1	40 CFR 60.18	40 CFR 60.18	Semiannual
C.2, C.9, C.15, C.16, C.17, C.18	Landfill Gas Sent to Flare	May not exceed 8.4×10^5 standard cubic feet per day	DEQ approved test method	As required by DEQ	Semiannual, in accordance with the Montana Source Test Protocol and Procedures manual, and upon request from DEQ
C.3, C.10, C.14, C.15, C.16, C.17, C.18	Opacity	20%	Method 22 Test or other DEQ approved test method	As required by DEQ	
C.4, C.11, C.15, C.16, C.17, C.18	Particulate	0.1 gr/dscf corrected to 12% carbon dioxide (CO ₂)	Method 5 or other DEQ approved test method	As required by DEQ	
C.5, C.12, C.15, C.16, C.17, C.18	Nitrogen Oxide	Emission in excess of 5.74 lb/hr	Method 7, or other DEQ approved test method	As required by DEQ	
C.6, C.13, C.15, C.16, C.17, C.18	Carbon Monoxide	Emissions in excess of 18.40 lb/hr	Method 10, or other DEQ approved test method	As required by DEQ	
C.7, C.9, C.10, C.15, C.16, C.17, C.18	Hazardous Air Pollutants	See Table 1. Flare Inlet Concentration, below	Method 22, or other DEQ approved Test Method	Annual, every 5 years for Mercury	Annual, every 5 years for Mercury

Conditions

C.1. Flathead LFGE shall operate the landfill flare system:

- a. Flathead LFGE shall operate a flame sensor system and an associated recorder, or any other equivalent device, to detect the presence of a flame (ARM 17.8.749).
- b. Flathead LFGE shall continuously operate a flowmeter and associated recorder on the flare to determine the total flow of landfill gas to the flare (ARM 17.8.749)
- c. Flathead LFGE shall operate and maintain a flare capable of meeting the requirements contained in 40 CFR 60.18 (ARM 17.8.752 and ARM 17.8.340).

- C.2. The total volume of landfill gas sent to the flare may not exceed 8.64×10^5 standard cubic feet per day. Note: Standard conditions are 77 degrees Fahrenheit (°F) and 1 atmosphere (atm) pressure (ARM 17.8.749).
- C.3. Flathead LFGE may not cause or authorize to be discharged into the atmosphere from the incinerator/landfill flare system any visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours (ARM 17.8.752 and 40 CFR 60.18).
- C.4. Flathead LFGE may not cause or authorize to be discharged into the atmosphere from the incinerator/landfill flare system any particulate emissions in excess of 0.1 gr/dscf corrected to 12% carbon dioxide (CO₂) (ARM 17.8.752).
- C.5. Flathead LFGE may not cause or authorize to be discharged into the atmosphere from the incinerator/landfill flare system any nitrogen oxide (NO_x) emission in excess of 5.74 lb/hr (ARM 17.8.752).
- C.6. Flathead LFGE may not cause or authorize to be discharged into the atmosphere from the incinerator/landfill flare system any carbon monoxide (CO) emissions in excess of 18.40 lb/hr (ARM 17.8.752).
- C.7. Flathead LFGE may not cause or authorize to be discharged into the atmosphere from the incinerator/landfill flare system any flare inlet concentrations in excess of the amounts contained in Table 1. Flare Inlet Concentration Limits, below (17.8.752 and MCA 75-2-215).

Table 1. Flare Inlet Concentration Limits

Pollutant	Flare Inlet Concentration (mg/m ³)
<i>Annual Testing</i>	
Acetonitrile	137
Benzene	61
Carbon Disulfide	18
Carbon Tetrachloride	0.25
Carbonyl Sulfide	15
Chlorobenzene	12
Chloroethane	33
Chloroform	1.5
Chloromethane	25
1,1-Dichloroethane	95
1,2-Dichlorethane	17
Dichloromethane	494
1,2-Dichloropropane	8
Ethylbenzene	200
Hexane	232
Methyl Ethyl Ketone	209
Methyl Isobutyl Ketone	77
Perchloroethene	253
1,1,2,2-Tetrachloroethane	76
Toluene	1481
1,1,1-Trichloroethane	26
Trichloroethene	152

Pollutant	Flare Inlet Concentration (mg/m³)
Vinyl Chloride	188
Xylenes	525
<i>5-Year Testing</i>	
Mercury	0.004

Compliance Demonstration

- C.8. DEQ may require further testing (ARM 17.8.1213).
- C.9. Flathead LFGE shall conduct a test on the flare inlet concentration for the pollutants identified in Table 1 and demonstrate compliance with the limits contained in Table 1, annually, except once every five years for mercury, using a Method 22 test, or other DEQ approved test method, or according to another testing/monitoring schedule as may be approved by DEQ in writing (ARM 17.8.105 and ARM 17.8.749).
- C.10. Flathead LFGE shall test the liquid condensate once every five years for the pollutants listed in Table 1 (ARM 17.8.105 and ARM 17.8.749).
- C.11. Flathead LFGE shall perform a Method 5 test or other DEQ approved test method in accordance with the Montana Source Test Protocol and Procedures Manual, to monitor compliance with the particulate matter limit of Section III. C.4, as required by DEQ (ARM 17.8.1213).
- C.12. Flathead LFGE shall perform a Method 7 test, or other DEQ approved test method in accordance with the Montana Source Test Protocol and Procedures Manual for NO_x, as required by DEQ (ARM 17.8.1213).
- C.13. Flathead LFGE shall perform a Method 10 test, or other DEQ approved test methods, in accordance with the Montana Source Test Protocol and Procedures manual for CO, as required by DEQ (ARM 17.8.1213).
- C.14. Flathead LFGE shall perform a Method 22 test, or other DEQ approved test methods, in accordance with the Montana Source Test Protocol and Procedures Manual for opacity, as required by DEQ (ARM 17.8.1213).

Recordkeeping

- C.15. Flathead LFGE shall maintain on site all records compiled in accordance with this permit as a permanent business record for at least 5 years following the date of the measurement and must be available at the plant site for inspection by DEQ and must be submitted to DEQ upon request (ARM 17.8.1212).
- Flathead LFGE shall record the total volume of landfill gas sent to the flare per day (ARM 17.8.749).
 - All source tests results for particulate matter (ARM 17.8.1213)
 - All source test results for NO_x (ARM 17.8.1213).
 - All source test results for CO (ARM 17.8.1213)

- e. All source test results for opacity (ARM 17.8.1213).
- C.16. All source test recordkeeping shall be performed in accordance with the test method used and shall be maintained on site (ARM 17.8.1212).

Reporting

- C.17. The annual compliance certification required by Section V.B must contain a certification statement for the above applicable requirements (ARM 17.8.1212).
- C.18. The semiannual monitoring report shall provide a summary of results of any source testing that was performed during that semiannual period (ARM 17.8.1212).
- a. Including the record of total volume of landfill gas sent to the flare per day (ARM 17.8.749).
 - b. All source tests results for particulate matter (ARM 17.8.1213)
 - c. All source test results for NO_x (ARM 17.8.1213).
 - d. All source test results for CO (ARM 17.8.1213)
 - e. All source test results for opacity (ARM 17.8.1213).

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 emissions 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 which are administrated by the Air Quality Bureau of the Department of Environmental Quality (DEQ).

Rule Citation	Reason
ARM 17.8.610	These requirements are not applicable because the facility is not in this source category.
40 CFR 53 40 CFR 58	These requirements are not applicable because this facility does not have any ambient air monitoring or surveillance requirements.
40 CFR 59 40 CFR 60, Subparts C, Ca, Cb, Cc, Cd 40 CFR 60, Subparts D, Da, Db, Dc 40 CFR 60, Subparts E-K 40 CFR 60, Subparts L-Z 40 CFR 60, Subparts AA-EE 40 CFR 60, Subparts GG-HH 40 CFR 60, Subparts KK-NN 40 CFR 60, Subparts PP-WW 40 CFR 60, Subparts AAA-DDD 40 CFR 60, Subparts FFF-LLL 40 CFR 60, Subparts NNN-QQQ 40 CFR 60, Subparts RRR-XXX 40 CFR 60, Subparts AAAA-DDDD 40 CFR 60, Subparts EEEE-IIII 40 CFR 60, Subparts KKKK-MMMM 40 CFR 60, Subparts QQQQ-UUUU 40 CFR 61, Subparts B-F 40 CFR 61, Subparts H-L 40 CFR 61, Subparts N-R 40 CFR 61, Subparts T 40 CFR 61, Subparts V-W 40 CFR 61, Subparts Y 40 CFR 61, Subparts BB 40 CFR 61, Subparts FF 40 CFR 63, Subparts B-J 40 CFR 63, Subparts L-O 40 CFR 63, Subparts Q-U 40 CFR 63, Subparts W-Y 40 CFR 63, Subparts AA-EE 40 CFR 63, Subpart GG 40 CFR 63, Subpart HH-YY 40 CFR 63, Subparts CCC-EEE 40 CFR 63, Subparts FFF-JJJ 40 CFR 63, Subparts LLL-RRR	These requirements are not applicable because the facility is not an affected source as defined in these regulations.

Rule Citation	Reason
40 CFR 63, Subparts TTT-VVV 40 CFR 63, Subparts XXX 40 CFR 63, Subpart AAAA 40 CFR 63, Subparts CCCC-YYYY 40 CFR 63, Subparts AAAAA-NNNNN 40 CFR 63, Subparts PPPP-UUUUU 40 CFR 63, Subparts WWWWW 40 CFR 63, Subparts YYYYY-ZZZZZ 40 CFR 63, Subparts BBBBBB-HHHHHH 40 CFR 63, Subparts LLLLLL-TTTTTT 40 CFR 63, Subparts VVVVVV-EEEEEE 40 CFR 63, Subpart HHHHHH 40 CFR 63, Appendices A-E 40 CFR 65 40 CFR 68 40 CFR 69 40 CFR 79-80 40 CFR 85-97 40 CFR 99	
40 CFR 72-78 ARM 17.8.1234	These requirements are not applicable because the facility is not an affected source as defined by the acid rain regulations.
40 CFR 64	These requirements are not applicable because the facility does not have a compliance assurance monitoring plan.
40 CFR 68 40 CFR 79-99	These requirements are not applicable because the facility is not an affected source as defined in these regulations.

B. Emissions Units

The permit application identified applicable requirements: non-applicable requirements for individual or specific emissions units were not listed. DEQ 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)(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 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 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 Sections I & J).
 - 7. The permit shield will extend to significant permit modifications and transfer or assignment of ownership (see Sections 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 faxed 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), §1214(5)-(8), and §1224(6)

In July 2023, EPA rescinded the emergency affirmative defense in its Title V regulations, arguing it was inconsistent with the Clean Air Act because it could limit a court's authority over remedies and potentially violate the continuous nature of emission standards. In response, each state which had emergency provisions within their title V operating permit program, including Montana, was required to remove the affected provisions from their operating permit program rules and from affected title V operating permits at renewal or during permit revisions. Montana officially removed the affected affirmative defense provisions cited here from the Administrative Rules of Montana (ARM), Title 17, Chapter 8, Subchapter 12.

Subsequently, in September 2025, the D.C. Circuit Court of Appeals reinstated the Clean Air Act emergency affirmative defense, reversing the EPA's 2023 rescission of the rule that provides a defense against liability for excess emissions during sudden, unforeseeable emergencies. The court found the EPA's rescission unlawful because an affirmative defense does not interfere with the court's authority to determine liability and does not exempt a source from continuous emission standards. In response, EPA will need to add the affirmative defense provisions back into its Title V, Part 70 regulations. If this reinstatement does occur, Montana will also add the affected provisions back into its Title V operating permit program and maintain the affected regulations in Title V operating permits.

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 a Montana Air Quality 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 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 Section 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 as a result 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 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 (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)(c)

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 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(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 ARM17.8.1214 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 a Montana Air Quality Permit (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 Montana Air Quality 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.

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 INSIGNIFICANT EMISSIONS UNITS

Disclaimer: The information in this appendix is not State or Federally enforceable, but is presented to assist Flathead LFGE, 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 section 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.

Flathead LFGE did not provide a list of in significant sources and/or activities. Therefore, no insignificant activities are identified by this permit.

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 Flathead LFGE;
- (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 emissions 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 Montana Air Quality 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 Section 7411 of the FCAA, including Section 7411(d);
- (d) any standard or other requirement under Section 7412 of the FCAA, including any requirement concerning accident prevention under Section 7412(r)(7), but excluding the contents of any risk management plan required under Section 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 Section 7661c(b) or Section 7414(a)(3) of the FCAA;
- (g) any standard or other requirement governing solid waste incineration, under Section 7429 of the FCAA;
- (h) any standard or other requirement for consumer and commercial products, under Section 7511b(e) of the FCAA;
- (i) any standard or other requirement for tank vessels, under Section 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 Section 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 Section 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 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 Section 112(b) of the FCAA.

"Non-federally enforceable requirement" means the following as they apply to emissions 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 Montana Air Quality Permit 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 Section 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 Section 7412 of the FCAA, including but not limited to the following:
 - (i) any pollutant subject to requirements under Section 7412(j) of the FCAA. If the administrator fails to promulgate a standard by the date established in Section 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 Section 7412(e) of the FCAA;
 - (ii) any pollutant for which the requirements of Section 7412(g)(2) of the FCAA have been met but only with respect to the individual source subject to Section 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
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	Emissions Unit
FCAA	Federal Clean Air Act
Flathead LFGE	Flathead Electric Cooperative, Flathead LFGE Facility
gr	Grains
HAP	Hazardous Air Pollutant
IEU	Insignificant Emissions 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
PM10	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

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 15th 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 Division
Permit and Monitoring Branch
US EPA Region VIII, 8ARD-PM
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 Flathead LFGE, permitting authority, inspectors, and the public.

1. **Direction to Plant:** The landfill with the associated Flathead LFGE is located approximately 9 miles north of Kalispell, MT, on Highway 93 North.

2. **Safety Equipment Required:**

Hard hat, safety glasses, reflective vest, long pants, and safety-toe footwear; Flathead LFGE can supply all required PPE for those that do not have it (except for very large or small footwear sizes).

3. **Facility Plot Plan:**

A facility plot plan was included as part of the Title V operating permit application submitted to DEQ on August 7, 2024.