



**Missoula City-County Air Pollution Control Program
January 25, 2023**

**CHAPTER 2
DEFINITIONS**

Rule 2.101 - Definitions

The following definitions apply in this Program:

- (1) "Advisory Council" means the Missoula City-County Air Quality Advisory Council created by this Program.
- (2) "Air pollutant" or "pollutant" means dust, ash, fumes, gas, mist, smoke, vapor, odor, or any particulate matter or combination thereof present in the outdoor atmosphere.
- (3) "Air pollution" means the presence in the outdoor atmosphere of one or more air pollutants, or any combination thereof in sufficient quantities, and of such character and duration as is or is likely to be injurious to the health or welfare of human, plant, animal life, or property, or that will unreasonably interfere with the enjoyment of life or property or the conduct of business.
- (4) "Air Stagnation Zone" means the area defined by:
T12N R18W Sections 5 through 8, 17 through 19;
T12N R19W Sections 1 through 35;
T12N R20W Sections 1 through 5, 8 through 17, 21 through 28, 34 through 36;
T13N R18W Sections 4 through 9, 16 through 21, 28 through 33;
T13N R19W Sections 1 through 36;
T13N R20W Sections 1 through 4, 9 through 16, 21 through 28, 33 through 36;
T14N R18W Sections 30, 31, 32;
T14N R19W Sections 13 through 36;
T14N R20W Sections 13 through 15, 21 through 28, 33 through 36 and all as shown on the attached map, (see Appendix A).
- (5) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.
- (6) "Animal matter" means any product or derivative of animal life.
- (7) "Board of Health" means the Missoula City-County Board of Health.
- (8) "BTU" means the British Thermal Unit, which is the heat required to raise the temperature of one pound of water through one degree Fahrenheit.
- (9) "Chair" means the Chair of the Board of Health and the Missoula City-County Air Pollution Control Board.
- (10) "Clean Air Act of Montana" means MCA Title 75, Chapter 2.
- (11) "Control Board" means the Missoula City-County Air Pollution Control Board.
- (12) "Control equipment" means any device or contrivance that prevents or reduces emissions.

- (13) “Control Officer” means the Health Officer for the Missoula City-County Health Department, or any employee of the department designated by the Health Officer.
- (14) “Department” means the Missoula City-County Health Department.
- (15) “DEQ” means the Montana Department of Environmental Quality.
- (16) “Emission” means a release of an air pollutant into the outdoor atmosphere.
- (17) “EPA” means the United States Environmental Protection Agency.
- (18) “FCAA” means 42 USC 7401 to 7671q, the Federal Clean Air Act, as amended.
- (19) “Federally enforceable” means all limitations and conditions that are enforceable by the Administrator of the EPA, including but not limited to those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the Montana State Implementation Plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I, including operating permits issued under an EPA-approved program that is incorporated into the State Implementation Plan and expressly requires adherence to any permit issued under such program.
- (20) “Fuel burning equipment” means any furnace, boiler, apparatus, stack or appurtenances thereto used in the process of burning fuel or other combustible material for the primary purpose of producing heat or power by indirect heat transfer.
- (21) “Hazardous air pollutant” or “HAP” means any air pollutant listed in or pursuant 2 USC 7412(b).
- (22) “Hazardous waste” means a substance defined as hazardous waste under either 75-10-403, MCA or administrative rules in ARM Title 17, chapter 53 subchapter 5 which incorporates by reference 40 CFR 261 or a waste containing 2 parts or more per million of polychlorinated biphenyl.
- (23) “Impact Zone M” means the area outside the Flathead Reservation defined by:
T11N R17W Sections 1 through 6, 7 through 11, 17 through 18;
T11N R18W Sections 4 through 8, 17 through 20, 30 through 33;
T11N R19W Sections 1 through 36;
T11N R20W Sections 1 through 18, 20 through 29, 32 through 36;
T11N R21W Sections 1 through 13
T11N R22W Sections 1, 2, 11, 12;
T12N R16W Sections 18 through 20, 29 through 32;
T12N R17W Section 2 through 11, 13 through 36;
T12N R18W Sections 1 through 26, 28 through 33, 36;
T12N R19W Sections 1 through 36;
T12N R20W Sections 1 through 36;
T12N R21W Sections 1 through 36;
T12N R22W Sections 1, 2, 11 through 14, 23 through 26, 35, 36;
T13N R16W Sections 6, 7;
T13N R17W Sections 1 through 12, 15 through 21, 28 through 33;
T13N R18W Sections 1 through 36;
T13N R19W Sections 1 through 36;
T13N R20W Sections 1 through 36;
T13N R21W Sections 1 through 36;
T13N R22W Sections 1, 2, 11 through 14, 24, 25, 36;
T14N R16W Sections 18, 19, 30, 31;
T14N R17W Sections 5 through 8, 13 through 36;
T14N R18W Sections 1 through 36;
T14N R19W Sections 1 through 36;
T14N R20W Sections 1 through 36;
T14N R21W Sections 1 through 36;
T14N R22W Sections 1, 2, 11 through 14, 22 through 27, 34 through 36;

T15N R18W Sections 7 through 11, 14 through 23, 26 through 35;
T15N R19W Sections 12 through 15, 21 through 29, 32 through 36;
T15N R20W Sections 7 through 9, 15 through 23, 25 through 36;
T15N R21W Sections 9 through 16, 20 through 36;
T15N R22W Section 36; as shown on the map in Appendix A

- (24) “Incinerator” means any equipment, device or contrivance used for the destruction of garbage, rubbish or other wastes by burning, but does not include devices commonly called tepee burners, silos, truncated cones, wigwam burners, or other such burners used commonly by the wood products industries when only woodwastes are burned.
- (25) “Lowest achievable emission rate (LAER)” means for any source, that rate of emissions that reflects:
(i) The most stringent emission limitation contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or
(ii) The most stringent emission limitation achieved in practice by such class or category of source, whichever is more stringent. In no event may the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowed by applicable new source performance standards under Rule 6.506 or the amount allowed for hazardous air pollutants under Rule 6.507. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source.
- (26) “Malfunction” means a sudden and unavoidable failure of air pollution control equipment or process equipment, or a process when it affects emissions, to operate in a normal manner. A failure caused entirely or in part by poor maintenance, careless operation, poor design, or other preventable upset condition or preventable equipment breakdown is not a malfunction.
- (27) “Modification” means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.
- (28) “Multiple chamber incinerator” means a device used to dispose of combustible refuse by burning, consisting of three or more refractory material lined combustion furnaces, arranged in series and physically separated by refractory walls, interconnected by gas passage ports or ducts and designed and operated for maximum combustion of the material to be burned.
- (29) “NAAQS” means national ambient air quality standard.
- (30) “Odor” means that property of an emission that stimulates the sense of smell.
- (31) “Opacity” means the degree, expressed in percent, to which emissions reduce the transmission of light and obscure the view of an object in the background. Where the presence of uncombined water is the only reason for failure of an emission to meet an applicable opacity limitation contained in this chapter, that limitation does not apply. For the purpose of this chapter, opacity determination must follow all requirements, procedures, specifications, and guidelines contained in 40 CFR Part 60, Appendix A, method 9 (July 1, 1987 ed.), or by an in-stack transmissometer that complies with all requirements, procedures, specifications and guidelines contained in 40 CFR Part 60, Appendix B, performance specification 1 (July 1, 1987 ed.).
- (32) “Particulate Matter” or “particulate” means any material, except water in uncombined form, that is or has been airborne, and exists as a liquid or a solid at standard conditions.
- (33) “Person” means any individual, partnership, firm, association, municipality, public or private corporation, subdivision or agency of the state or federal government, industry, institution, business, trust, estate or other entity.

- (34) "PM_{2.5}" means particulate matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix L, and designated in accordance with 40 CFR Part 53, or by an equivalent method designated in accordance with 40 CFR Part 53.
- (35) "PM₁₀" means particulate matter with an aerodynamic diameter of less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix J, (52 FR 24664, July 1, 1987) and designated in accordance with 40 CFR Part 53 (52 FR 24727, July 1, 1987), or by an equivalent method designated in accordance with 40 CFR Part 53 (52 FR 24727, July 1, 1987).
- (36) "Premises" means a property, piece of land, real estate or building.
- (37) "Process weight" means the total weight of all materials introduced into any specific process that may cause emissions. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.
- (38) "Process weight rate" means the rate established as follows:
- (a) For continuous or long run steady-state operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.
- (b) For cyclical or batch operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission applies.
- (39) "Public nuisance" means any condition of the atmosphere beyond the property line of the offending person that:
- (a) affects, at the same time, an entire community or neighborhood, or any considerable number of persons although the extent of the annoyance or damage inflicted upon individuals may be unequal), and
- (b) endangers safety or health, or is offensive to the senses, or which causes or constitutes an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property.
- (40) "Reasonably available control technology (RACT)" means devices, systems, process modifications or other apparatus or techniques determined on a case-by-case basis to be reasonably available, taking into account the necessity of imposing such controls in order to attain and maintain a national or Montana ambient air quality standard, the social, energy, environmental, and economic impacts of such controls and alternative means of providing for attainment and maintenance of such standard.
- (41) "Reduction" means any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.
- (42) "Regulated air pollutant" means the following:
- (a) any air pollutant for which the State of Montana has adopted an ambient standard as listed in ARM Title 17, subchapter 8;
- (b) nitrogen oxides or any volatile organic compound;
- (c) any pollutant that is subject to any standard promulgated under section 111 of the FCAA (New Source Performance Standards);
- (d) any class I or II substance subject to a standard under the Acid Rain Program, Title VI of the FCAA; and
- (e) any pollutant that is subject to any standard or requirements promulgated under section 112 of the FCAA (Hazardous Air Pollutants).
- (43) "Solid fuel burning device" means any fireplace, fireplace insert, woodstove, wood burning heater, wood fired boiler, coal-fired furnace, coal stove, or similar device burning any solid fuel used for aesthetic, cooking, or heating purposes, that burns less than 1,000,000 BTU's per hour.
- (44) (a) "Solid waste" means all putrescible and non-putrescible solid, semi-solid, liquid or gaseous wastes,

including but not limited to garbage; rubbish; refuse; ashes; swill; food wastes; commercial or industrial wastes; medical waste; sludge from sewage treatment plants, water supply treatment plants or air pollution control facilities; animal parts, offal, animal droppings or litter; discarded home and industrial appliances; automobile bodies, tires, interiors, or parts thereof; wood products or wood byproducts and inert materials; Styrofoam and other plastics; rubber materials; asphalt shingles; tarpaper; electrical equipment; transformers; insulated wire; oil or petroleum products; treated lumber and timbers; and pathogenic or infectious waste.

(b) Solid waste does not mean municipal sewage, industrial wastewater effluent, mining wastes regulated under the mining and reclamation laws administered by the DEQ, or slash and forest debris regulated under laws administered by the Department of Natural Resources.

- (45) "Source" means any property, real or personal, or person contributing to air pollution.
- (46) "Stack or chimney" means any flue, conduit or duct arranged to conduct emissions.
- (47) "Standard conditions" means a temperature of 68° Fahrenheit and a pressure of 29.92 inches of mercury.
- (48) "Stationary source" means any property, real or personal, including but not limited to a building, structure, facility, or equipment located on one or more contiguous or adjacent properties under the control of the same owner or operator that emits or may emit any regulated air pollutant, including associated control equipment that affects or would affect the nature, character, composition, amount or environmental impacts of air pollution.
- (49) "Volatile organic compound" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.
- (a) VOC does not include the following compounds, which have been determined to have negligible photochemical reactivity:
- (i) methane;
 - (ii) ethane;
 - (iii) methyl acetate;
 - (iv) methylene chloride (dichloromethane);
 - (v) 1,1,1-trichloroethane (methyl chloroform);
 - (vi) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC 113);
 - (vii) trichlorofluoromethane (CFC 11);
 - (viii) dichlorodifluoromethane (CFC-12);
 - (ix) chlorodifluoromethane (HCFC-22);
 - (x) trifluoromethane (HFC-23);
 - (xi) 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
 - (xii) chloropentafluoroethane (CFC-115);
 - (xiii) 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);
 - (xiv) difluoromethane (HFC-32);
 - (xv) ethylfluoride (HFC-161);
 - (xvi) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
 - (xvii) 1,1,2,2,3- pentafluoropropane (HFC-245ca);
 - (xviii) 1,1,2,3,3- pentafluoropropane (HFC-245ea);
 - (xix) 1,1,1,2,3- pentafluoropropane (HFC-245eb);
 - (xx) 1,1,1,3,3- pentafluoropropane (HFC-245fa);
 - (xxi) 1,1,1,2,3,3- hexafluoropropane (HFC-236ea);
 - (xxii) 1,1,1,3,3- pentafluorobutane (HFC-365mfc);
 - (xxiii) chlorofluoromethane (HCFC-31);
 - (xxiv) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
 - (xxv) 1 chloro-1-fluoroethane (HCFC-151a);
 - (xxvi) 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃);
 - (xxvii) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂ CFCF₂OCH₃);
 - (xxviii) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅);
 - (xxix) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂ CFCF₂OC₂H₅);
 - (xxx) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC43-10mee);

- (xxxvi) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
- (xxxvii) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
- (xxxviii) 1,1,1,2-tetrafluoroethane (HFC-134a);
- (xxxix) 1,1-dichloro-1-fluoroethane (HCFC-141b);
- (xl) 1-chloro-1,1-difluoroethane (HCFC-142b);
- (xli) 2-chloro-1,1,1,2-tetra-fluoroethane (HCFC-124);
- (xlii) pentafluoroethane (HFC-125);
- (xliiii) 1,1,2,2-tetrafluoroethane (HFC-134);
- (xliv) 1,1,1-trifluoroethane (HFC-143a);
- (xlv) 1,1-difluoroethane (HFC-152a);
- (xlvi) parachlorobenzotrifluoride (PCBTF);
- (xlvii) cyclic, branched or linear completely methylated siloxanes;
- (xlviii) acetone;
- (xlix) perchloroethylene (tetrachloroethylene); and
- (l) perfluorocarbon compounds that fall into these classes:
 - (A) cyclic, branched or linear completely fluorinated alkanes;
 - (B) cyclic, branched or linear completely fluorinated ethers with no unsaturations;
 - (C) cyclic, branched or linear completely fluorinated tertiary amines with no unsaturations; and
 - (D) sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) To determine compliance with emission limits, VOCs will be measured by the test methods in 40 CFR Part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligible-reactive compounds may be excluded as VOCs if the amount of such compounds is accurately quantified, and such exclusion is approved by the department and the EPA. As a precondition to excluding these compounds as VOCs or at any time thereafter, the department may require an owner or operator to provide monitoring or testing methods and results, demonstrating to the satisfaction of the department, the amount of negligibly-reactive compounds in the source's emissions.

- (50) "Wood-waste burners" means teepee burners, silos, truncated cones, wigwam burners, and other devices commonly used by the wood product industry for the disposal or burning of wood wastes.