

CHAPTER 9 SOLID FUEL BURNING DEVICES

Subchapter 2 – Permits

Rule 9.201 – Swan River Watershed Exempt From Subchapter 2 Rules

- (1) Subchapter 2 does not apply to the Swan River watershed of northern Missoula County (also described as those portions of Airshed 2 which lie inside Missoula County.)

Rule 9.202 – Permits Required for Solid Fuel Burning Devices

- (1) After July 1, 1986, a person may not install or use any new solid fuel burning device in any structure within the Air Stagnation Zone without an Installation permit.
- (2) After May 14, 2010 a person may not install or use a new solid fuel burning device in any structure within Missoula County without an installation permit.

Rule 9.203 – Installation Permits Inside the Air Stagnation Zone

- (1) Inside the Air Stagnation Zone, the department may only issue installation permits for the following solid fuel burning devices:
 - (a) Pellet stoves with emissions that do not exceed 1.0 gram per hour weighted average when tested in conformance with the EPA method.
 - (b) Solid fuel burning devices installed in a licensed mobile food service establishment if the following conditions are met.
 - (i) The mobile food service establishment must have a current Montana food purveyor's license. Permit will be considered automatically revoked if the Montana food purveyor's license lapses.
 - (ii) Mobile food trailer or vehicle must only be used for food preparation purposes.
 - (iii) The mobile food vendor may not operate the solid fuel burning device in Missoula County from November 1 through the end of February each winter.
 - (iv) The mobile food vendor shall not operate more than 7 consecutive days at any one location in Missoula County.
 - (v) The permitted solid fuel burning device must not create a nuisance. The department may revoke the installation permit and require the removal of the solid fuel burning device for a licensed mobile food service establishment if the department determines that the solid fuel burning device creates a nuisance.
- (2) An installation permit expires 180 days after issuance unless a final inspection is conducted or unless the department receives adequate documentation to insure the type of device, and installation are in compliance with the provisions of this Program.
- (3) New solid fuel burning devices may not be installed or used with a flue damper unless the device was so equipped when tested in accordance with Rule 9.401.

Rule 9.204 – Installation Permit Requirements outside the Air Stagnation Zone

- (1) Outside the Missoula Air Stagnation Zone, only the following solid fuel burning devices may be installed in Missoula County:

- (a) A solid fuel burning device equipped with a catalytic combustor with emissions less than or equal to 4.1 grams per hour weighted average when tested in accordance with the EPA method.
- (b) A solid fuel burning device not equipped with a catalytic combustor with emissions less than or equal to 7.5 grams per hour weighted average when tested in accordance with the EPA method.
- (c) A pellet stove tested at an independent lab which has:
 - (i) an air to fuel ratio of 35:1 or greater using EPA Method 28A; and
 - (ii) test results using EPA Method 5H, or Method 5G corrected to 5H, that have been conducted under minimum burn conditions, (category 1 of EPA Method 28) with particulate emissions that do not exceed 4.1 grams per hour.
- (d) An Outdoor Wood-Fired Hydronic Heater or Outdoor Pellet-Fired Hydronic Heater that:
 - (i) has had EPA Test Method 28 OWHH emission test conducted on the model line; and
 - (ii) has been certified to meet the EPA Hydronic Heater Phase 2 Program emission limit of 0.32 pounds per million Btu heat output; and
 - (iii) within each of the test burn rate categories, no individual test run exceeds 18 grams per hour; and
 - (iv) the average emissions are less than or equal to 7.5 grams per hour.
- (e) A solid fuel burning device with a heat input capacity between 250,000 and 1,000,000 BTU/hr that has been tested and shown to have emissions less than or equal to .9 grams per hour per 10,000 BTU heat input. Prior to approval for installation, testing methods used to determine compliance with this emission rate and sufficient documentation to show the device meets the emission requirements must be submitted to the department. Approval of the testing method is at the sole discretion of the department.
- (f) A solid fuel burning device not included in (a), (b), (c), or (d) above which has been tested by an independent lab using an alternative testing method approved by the department that shows it has a particulate emission rate of less than or equal to 7.5 grams per hour. Prior to approval for installation, testing methods used to determine compliance with this emission rate and sufficient documentation to show the device meets the emission requirements must be submitted to the department. Approval of the alternative testing method is at the sole discretion of the department.
- (g) Solid fuel burning devices installed in a licensed mobile food service establishment if the following conditions are met.
 - (i) The mobile food service establishment must have a current Montana food purveyor's license. Permit will be considered automatically revoked if the Montana food purveyor's license lapses.
 - (ii) Mobile food trailer or vehicle must only be used for food preparation purposes.
 - (iii) The mobile food vendor may not operate the solid fuel burning device in Missoula County from November 1 through the end of February each winter.
 - (iv) The mobile food vendor shall not operate more than 7 consecutive days at any one location in Missoula County.
 - (v) The permitted solid fuel burning device must not create a nuisance. The department may revoke the installation permit and require the removal of the solid fuel burning device for a licensed mobile food service establishment if the department determines that the solid fuel burning device is creates a nuisance.

- (2) An installation permit expires 180 days after issuance unless a final inspection is conducted or the department receives adequate documentation to insure the type of device and installation comply with the provisions of this program.
- (3) New solid fuel burning devices may not be installed or used with a flue damper unless the device was so equipped when tested in accordance with Rule 9.401.
- (4) Solid fuel burning devices approved for installation must be installed, maintained and operated in the same fashion under which they were tested.

Rule 9.205 – Alert Permits

- (1) Those woodstoves that have a valid alert permit issued by the department may be operated during a Stage I Air Alert subject to the opacity limitations in Rule 9.302.
- (2) The department may issue a new alert permit for a pellet stove if the emissions do not exceed 1.0 gram per hour weighted average when tested in conformance with the EPA method.
- (3) The department may renew an alert permit for a woodstove that has emissions that do not exceed 6.0 grams per hour weighted average when tested using the Oregon method or 5.5 grams per hour weighted average when tested using the EPA method if the original application for an alert permit was received prior to June 30, 1988 and the permit has never lapsed.
- (4) The department may renew an alert permit for a woodstove that has emissions that do not exceed 4.0 grams per hour weighted average when tested using the Oregon Method or 4.1 grams per hour when tested using the EPA method if the original application for the Alert permit was received prior to October 1, 1994 and the permit has never lapsed.
- (5) Before renewing an alert permit, the department may require information to determine if the woodstove is capable of meeting emission requirements. If an inspection of the appliance during operation is not allowed by the applicant, the department shall require evidence that any non-durable parts (e.g. catalytic combustor, gaskets, by-pass mechanisms) have been replaced as necessary to meet applicable emission limitations.
- (6) To qualify for an alert permit or a renewal, catalyst-equipped woodstoves must be equipped with a permanent provision to accommodate a commercially available temperature sensor that can monitor combustor gas stream temperature within or immediately downstream (within 1.0 inch or 2.5 cm) of the combustor surface.
- (7) An alert permit is valid for two years for any woodstove that uses a catalyst or other nondurable part as an integral part, and five years for other devices.

Rule 9.206 – Sole Source Permits

- (1) A solid fuel burning device with a valid sole source permit issued by the department may be operated during Stage I Air Alerts and Stage II Warnings subject to the opacity limitations of Rule 9.302.
- (2) Inside the Air Stagnation Zone the department may only issue a new sole source permit for a pellet stove that:
 - (a) constitutes the sole source of heat in a private residence; and
 - (b) emits less than 1.0 gram per hour weighted average when tested using the EPA method.
- (3) Inside Zone M and outside the Air Stagnation Zone, the department may only issue a sole source permit for a solid fuel burning device that:
 - (a) constitutes the sole source of heat in a private residence; and
 - (b) was a sole source of heat prior to May 14, 2010, or the property is not served by an electric utility.

- (4) Inside the Air Stagnation Zone the department may renew a sole source permit for a solid fuel burning device that constitutes the sole source of heat in a private residence if the solid fuel burning device is:
 - (a) a pellet stove that emits less than 1.0 gram per hour weighted average when tested using the EPA method; or
 - (b) a woodstove that has a continuously renewed sole source permit originally issued prior to July 1, 1985.
- (5) In the Air Stagnation Zone, a sole source permit is not eligible for renewal when the ownership of the property is transferred from person to person.
- (6) In the Air Stagnation Zone, a sole source permit is valid for one year beginning July 1st through the last day of June the following year.
- (7) In Zone M but outside the Air Stagnation Zone, a sole source permit is valid until the property changes ownership or another method of heating is installed for the structure.

Rule 9.207 – Special Need Permits

- (1) Woodstoves with a valid special need permit issued by the department may be used during an Alert subject to the opacity limitations of Rule 9.302.
- (2) A person who demonstrates an economic need to burn solid fuel for space heating purposes by qualifying for energy assistance according to economic guidelines established by the U.S. Office of Management and Budget under the Low Income Energy Assistance Program (L.I.E.A.P.), as administered in Missoula County by the District XI Human Resources Development Council, is eligible for a Special Need permit.
- (3) Special need permits may be renewed providing the applicant meets the applicable need and economic guidelines at the time of application for renewal.
- (4) Special need permits are issued at no cost to the applicant.
- (5) A special need permit is valid for up to one (1) year from the date it is issued.

Rule 9.208 – Temporary Sole Source Permit

- (1) Woodstoves with a valid temporary sole source permit may be used during Stage 1 Air Alerts and Stage 2 Warnings, subject to the opacity limitations of Rule 9.302.
- (2) A person may apply for a temporary sole source permit in an emergency situation if their solid fuel burning devices do not qualify for a permit under Rule 9.204 or 9.205. An emergency situation includes, but is not limited to, the following situations:
 - (a) where a person demonstrates his furnace or central heating system in inoperable other than through his own actions;
 - (b) where the furnace or central heating system is involuntarily disconnected from its energy source by a utility or fuel supplier; or
 - (c) where the normal fuel or energy source is unavailable for any reason.
- (3) The department may issue a temporary permit if it finds that:
 - (a) the emissions proposed to occur do not constitute a danger to public health or safety;
 - (b) compliance with the air stagnation plan and Rule 9.302(1) would produce hardship without equal or greater benefits to the public; and

- (c) compliance with the air stagnation plan and Rule 9.302(1) would create unreasonable economic hardship to the applicant or render the residence as equipped severely uncomfortable for human habitation, or cause damage to the building or its mechanical or plumbing systems.
- (4) The department may place conditions on a temporary permit to insure that the permittee is in compliance with the Program when the permit expires.
- (5) The department shall arrange for an applicant interview to be conducted within five (5) working days of receipt of a written request for a temporary permit and shall render its decision within ten (10) working days of receipt of the written request.
- (6) Application to and denial by the department for a temporary permit does not prevent the applicant from applying to the Control Board for a variance under the appropriate provisions of this Program.
- (7) A temporary permit issued pursuant to this section is valid for a period determined by the department, but may not exceed one (1) year and is not renewable.

Rule 9.209 – Permit Applications

- (1) The department shall issue a permit pursuant to the regulations of this chapter when the applicant has submitted information, on forms supplied by the department, which indicates compliance with this chapter, local building codes, and other applicable provisions of this Program.
- (2) The department shall decide whether to issue a permit or permit renewal within ten (10) working days after receiving an application.

Rule 9.210 – Revocation or Modification of Permit

- (1) A permit issued under this chapter may be revoked for a violation of:
 - (a) A condition of the permit;
 - (b) A provision of this Program;
 - (c) An applicable regulation, rule or standard adopted pursuant to the FCAA; or
 - (d) A provision of the Clean Air Act of Montana.
- (2) A permit issued under this chapter may be modified for the following reasons:
 - (a) Changes in an applicable provision of this Program adopted by the Control Board, or rules adopted under the Clean Air Act of Montana;
 - (b) When the department or Control Board determines modifications are necessary to insure compliance with the provisions of this Program or an implementation plan approved by the Control Board.
- (3) The department shall notify the permittee in writing of its intent to revoke or modify the permit. The department's decision to revoke or modify a permit becomes final unless the permittee requests, in writing, an administrative review within fifteen (15) days after receipt of the department's notice. Departmental receipt of a written request for a review initiates the department's appeal process outlined in Chapter 14 of this Program and postpones the effective date of the of the department's decision until the conclusion of the administrative appeals process.

Rule 9.211 – Transfer of Permit

- (1) A permit issued under this chapter may not be transferred from one location to another or from one solid fuel burning device to another. A permit may not be transferred from one person to another, unless re-issued by the department.